

### **DECLARATION OF MO PASTERNAK**

I, Moshe Pasternak, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am currently Program Assistant at the Campaign Legal Center (CLC), counsel to Plaintiffs in this action. I have been employed at CLC since June 2017, and I have been CLC's Program Assistant since April 2018.

2. As Program Assistant, I work across CLC's multiple program areas, including its Voting Rights Program. My responsibilities include conducting factual research using various data sources, including a wide range of internet sources.

3. I make this declaration based on my personal knowledge.

4. On January 25, 2019, Texas Secretary of State David Whitley issued Election Advisory No. 2019-02 (the "Advisory") to all Voter Registrars and Elections Administrators in Texas. The subject of the Advisory was "Use of Non-U.S. Citizen Data obtained from the Department of Public Safety." I retrieved the Advisory from <https://www.sos.texas.gov/elections/laws/advisory2019-02.shtml> on February 4, 2019. A true and correct copy of the Advisory is attached to this declaration as Exhibit 1.

5. On January 25, 2019, Secretary Whitley issued a press release announcing the Advisory. I retrieved the press release from <https://www.sos.state.tx.us/about/newsreleases/2019/012519.shtml> on February 4, 2019. A true and correct copy of that press release is attached to this declaration as Exhibit 2.

6. The Advisory referred to a "Notice of Examination for Citizenship (Proof of Citizenship) Letter" (NCE Letter). I retrieved the NCE Letter from <https://www.sos.texas.gov/elections/forms/bw1-12.pdf> on February 4, 2019. A true and correct copy of the NEC Letter is attached to this declaration as Exhibit 3.

7. On January 25, 2019, the Republican Party of Texas issued a press release alleging “widespread voter fraud” and that “these voters affected election results in 2018.” I retrieved that press release from <https://www.texasgop.org/texas-secretary-of-state-david-whitley-announces-widespread-voter-fraud-in-2018> on February 4, 2019. A true and correct copy of the press release is attached to this declaration as Exhibit 4.

8. On January 25, 2019, Texas Attorney General Ken Paxton issued a press release regarding the Advisory. I retrieved the press release from <https://www.texasattorneygeneral.gov/news/releases/ag-paxton-texas-secretary-states-office-discovers-nearly-95000-people-identified-dps-non-us-citizens> on February 4, 2019. A true and correct copy of that press release is attached to this declaration as Exhibit 5.

9. On January 25, 2019, Attorney General Paxton sent a tweet about the Advisory that included the phrase “VOTER FRAUD ALERT.” I retrieved that tweet on February 4, 2019 from <https://twitter.com/KenPaxtonTX/status/1088898595653386240>. A screenshot of that tweet is attached to this declaration as Exhibit 6.

10. Attorney General Paxton’s tweet has over 82,000 “likes” and over 14,000 comments, many of which contain harmful rhetoric aimed at immigrant communities. It has been retweeted over 35,000 times, including by President Donald J. Trump, who tweeted about the Advisory on January 27, 2019, and claimed that “58,000 non-citizens voted in Texas, with 95,000 non-citizens registered to vote. I retrieved President Trump’s tweet on February 4, 2019 from <https://twitter.com/realDonaldTrump/status/1089513936435716096>. A screenshot of the President’s tweet is attached to this declaration as Exhibit 7.

11. Several media organizations across Texas have reported on the Advisory and subsequent statements and actions taken by Secretary Whitley and county election officials. These

reports include articles by the *Texas Tribune*, *Houston Public Media*, *Austin American-Statesman*, *Houston Chronicle*, *Galveston Daily News*, *Tyler Morning Telegraph*, *Dallas Morning News*, and *Associated Press*. True and correct copies of those articles are attached to this declaration as Exhibit 8.

12. In response to an article published by the *Texas Tribune* about the Plaintiffs in this case, a tweet stated the following: “I hope [Julie Hilberg] loses her citizenship! If she loved America she would want people trying to undermine our democracy found!” Another tweet commenting on the same article stated “Deport [Julie Hilberg]! Not a citizen! Illegal or naturalized does not equal LEGAL!” I retrieved those tweets on February 4, 2019 from [https://twitter.com/katscan27\\_kim/status/1091559126671462400](https://twitter.com/katscan27_kim/status/1091559126671462400) and <https://twitter.com/MichelleMahBell/status/1091864511177543682>. Screenshots of those tweets are attached to this declaration as Exhibit 9.

13. On February 1, 2019, Secretary Whitley’s office sent an email to Texas Voter Registrars and Election Administrators regarding the Advisory. A true and correct copy of that email is attached as Exhibit 10.

14. On February 1, 2019, my colleague Mark Gaber, Co-Director, litigation at CLC, sent a notice letter to Secretary Whitley pursuant to the National Voter Registration Act of 1993. A true and correct copy of that notice letter is attached as Exhibit 11.

15. The Texas Department of Public Safety, Driver License Division publishes the Texas Driver Handbook, a reference for traffic safety and traffic laws. The Texas Driver Handbook was most recently revised on September 1, 2017. I retrieved the Texas Driver Handbook from <http://www.dps.texas.gov/internetforms/Forms/DL-7.pdf> on February 4, 2019. A true and correct copy of the Handbook is attached to this declaration as Exhibit 12.

16. The U.S. Department of Homeland Security (DHS) publishes data on the numbers of naturalized citizens in each state on their website. I accessed the DHS website at <https://www.dhs.gov/profiles-naturalized-citizens> on February 4, 2019. I downloaded the data for the years 2012 through 2017 as individual Excel spreadsheet files and merged them into one Excel spreadsheet. I did not otherwise alter the data. That merged spreadsheet is attached to this declaration as Exhibit 13.

17. The U.S. Census Bureau publishes data on the rates of electoral participation by newly naturalized citizens on their website. I accessed the Census Bureau's website at <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-580.html> on February 4, 2019. A screenshot of the Census Bureau website containing that data is attached to this declaration as Exhibit 14.

18. Texas reports data on notices sent by elections officials to voters under the National Voter Registration Act to the federal Elections Assistance Committee (EAC) as part of the EAC's biannual Election Administration and Voting Survey (EAVS). The most recent version of the EAVS is from 2016, and covers the period between the 2014 and 2016 general elections. I accessed the 2016 EAVS Dataset and Supplemental Instruction manual at <https://www.eac.gov/research-and-data/2016-election-administration-voting-survey/> on February 4, 2019. A true and correct copy of the 2016 EAVS Supplemental Instruction Manual is attached as Exhibit 15.

19. The EAVS Dataset includes data for every county in every state on a wide variety of voter registration and election administration issues. According to the Supplemental Instruction Manual, Question A10 of the Survey Instrument requests data related to notices by elections officials to voters under the National Voter Registration Act.



20. I pulled the data reported by Texas for Question A10a-e from the EAVS dataset into a separate spreadsheet for analysis, and labeled it according to the definitions in the Supplemental Instruction Manual. A true and correct copy of this spreadsheet is attached as Exhibit 16.

21. Because the data is broken out by county, I added Row 2 to the spreadsheet and added the individual county reports together to arrive at a statewide total. I filtered out those data that was either unavailable or unreported for my calculations. Column C, which corresponds with Question A10a, represents the “total number of confirmation notices sent to registered voters.” Column D which corresponds with Question A10b, represents the total number of notices “received back from voters confirming registration.” I then calculated the percentage of the total notices that were received back confirming registration in Column E. Column F, which corresponds with Question A10c, represents the total number of notices “received back confirming registration should be invalidated.” I then calculated the percentage of the total notices that were received back invalidating registration in Column G. Column H, which corresponds with Question A10d represents the total number of notices received back as undeliverable. I then calculated the percentage of the total notices that were received back as undeliverable in Column I. Column J, which corresponds with Question A10e, represents the total number of notices that were not received back as confirming or invalidating registration, or as undeliverable. I then calculated the percentage of the total notices that were not received back in Column K.

22. According to my calculations and the data reported by Texas to the EAC, only 14 percent of NCRA notices sent to voters between the November 2014 and November 2016 Elections were returned by the recipients. In contrast, 13 percent were returned undeliverable, and 63 percent were not returned.

23. In 2012, a lawsuit took place in the U.S. District Court for the Northern District of Florida regarding a similar program enacted by then-Florida Secretary of State Ken Detzmer. The case was captioned *United States v. Florida*, No. 12-cv-00285. The docket for that case includes the declaration of Ion V. Sancho, the then-Supervisor of Elections of Leon County, Florida (including exhibits consisting of an email and attachments from Dr. Gisela Salas, the then-Director of the Florida Division of Elections) and a letter from Penelope Townsley, the then-Supervisor of Elections of Miami-Dade County, Florida. File-stamped copies of the declaration of Mr. Sancho (and corresponding exhibits) and letter from Ms. Townsley are attached to this declaration as Exhibit 17.

24. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this Declaration was prepared in Washington, D.C. on February 4, 2019.



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Moshe Pasternak  
February 4, 2019

# EXHIBIT 1


TEXAS SECRETARY OF STATE  
DAVID WHITLEY

[Election Outlook: Texas Secretary of State Reminds Texans To Plan Their Trip To The Polls](#) | [More about Identification Requirements for Voting](#) | [Am I Registered to Vote?](#) | [Election Night Returns](#) | [Voter Information](#) | [Voting Issues for Texas Harvey Evacuees](#) | [2018 Texas Election Security Update](#)

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## Election Advisory No. 2019-02

**To:** Voter Registrars/Elections Administrators

**From:** Keith Ingram, Director of Elections 

**Date:** January 25, 2019

**RE:** Use of Non-U.S. Citizen Data obtained from the Department of Public Safety

Pursuant to Section 730.005, Transportation Code, personal information obtained by the Department of Public Safety (DPS) in connection with a motor vehicle record shall be disclosed and used for any matter of voter registration or the administration of elections by the secretary of state. The secretary of state has been working with DPS to obtain and use information regarding individuals who provided documentation to DPS showing that the person is not a citizen of the United States during the process of obtaining or acquiring a Texas Driver License or Personal Identification Card from DPS. The initial set of information provided by DPS is being compared to the voter registration rolls, and we are providing information relating to matches out to counties beginning tomorrow.

**Background:** Beginning in early March 2018, our office began working with DPS to review and refine the data able to be provided by DPS for use in this list maintenance process. The goal was to produce actionable information voter registrars could use to assist in their list maintenance responsibilities. In keeping with general guidelines set out under Section 18.0681, Election Code, our office sought to create the strongest matching criteria that produces the least possible impact on eligible Texas voters while fulfilling the responsibility to manage the voter rolls. To that end, our office and DPS spent time evaluating the data and refining the query to limit the information being provided to us for use in this list maintenance exercise to individuals who provided valid documents indicating the person is not a citizen of the United States at the time the person obtained a Driver License or Personal Identification Card. It is important to note that we are not using information self-reported by the person regarding their citizenship status; rather, we are using documents provided by the person to show they are lawfully present in the United States. As part of the processing for issuing a card, these documents would have been validated by DPS against the Systematic Alien Verification for Entitlements (SAVE) Database, which is administered by the U.S. Citizenship and Immigration Services, a component of the Department of Homeland Security. Once a person's document is validated through SAVE and a card is issued, then the individual's information will be provided to our office in the next data file to be supplied. Our office has obtained the preliminary data file for all current (unexpired) Driver License and Personal Identification cards that meet this criteria, and we will run that set of information tomorrow evening. After that initial data set has been run, DPS will provide information to our office on a monthly basis of individuals obtaining a Driver License or Personal Identification card since the last data file has been provided. We will run those as they are received by our office.

There is likely to be a law enforcement interest in the data that we are providing to you. If you receive any requests from the public for the information, please contact your local prosecutor and the attorney general, who have jurisdiction over such matters.

**Impact of Data being obtained:** It should be noted that the additional source of data being obtained from DPS does not change or modify the voter registrar's rights or responsibilities under Section 16.033, Election Code. The voter registrar has the right to use any lawful means to investigate whether a registered voter is currently eligible for registration in the county. This section **does not** authorize an investigation of eligibility that is based solely on residence. If the registrar **has reason to believe** that a voter is no longer eligible for registration, the registrar shall deliver written notice to the voter indicating that the voter's registration status is being investigated by the registrar. The notice shall be delivered by **forwardable mail to the mailing address** on the voter's registration application **and to any new address** of the voter known to the registrar. If the secretary of state has adopted or recommended a form for a written notice, the registrar must use that form. The obtaining of information from DPS and providing matching data to the voter registrar merely expands the resources available to the registrar for use in list maintenance. The registrar, ultimately, is responsible for determining whether or not the information provides the registrar with reason to believe the person is no longer eligible for registration. If the registrar determines this standard has been met, the registrar should send a [Notice of Examination for Citizenship \(Proof of Citizenship\) \(PDF\)](#) Letter.

**Matching Information:** This DPS non-U.S. Citizen data is matched against the TEAM system, and information will be provided to counties if/when a match is identified between the DPS data and a registered voter in the county. Records are identified as Possible Non U.S. Citizens when one of the following combinations matches between a voter record and the DPS data:

- Last Name (including Former Last Name on the Voter Record), First Name, and Full Social Security Number (SSN) (9 digits);
- Last Name (including Former Last Name on the Voter Record), First Name, and Texas Department of Public Safety (DPS)-Issued Driver License, Personal Identification Card, or Election Identification Certificate Number; or
- Last Name (including Former Last Name on the Voter Record), First Name, Last Four Digits of the SSN, and Date of Birth.

These are some of the strongest possible matching criteria used in TEAM and are the current matching criteria used when determining whether or not to transfer a voter to an Offline County when the Offline County submits a new registration application. A match to a new voter registration application submitted by an Offline County to an existing voter using the above listed criteria will result in the transfer of the voter record. The point of this is to emphasize that our goal was to produce actionable information for voter registrars while producing the least possible impact on eligible voters, meaning we believe the data we are providing can be acted on in nearly all circumstances.

All records submitted through this process will need to be treated as WEAK matches, meaning that the county may choose to investigate the voter, pursuant to Section 16.033, Election Code, or take no action on the voter record if the voter registrar determines that there is no reason to believe the voter is ineligible. The county **may not cancel** a voter based on the information provided without first sending a [Notice of Examination \(Proof of Citizenship Letter\) \(PDF\)](#) and following the process outlined in the letter. In order to help counties make a determination regarding whether or not to send a Notice of Examination or close the task without taking further action, information provided by DPS will be provided to each county for further review and comparison against the voter record.

**Workflow for Possible Non-U.S. Citizen Investigation:** Again, counties are **not** permitted, under current Texas law, to immediately cancel the voter as a result of any non-U.S. Citizen matching information provided. This is applicable to notifications received from jury summons responses, as well as the dataset discussed in this advisory: possible non-U.S. Citizen notifications coming from DPS.

- For matching notifications coming from Jury Summons response devices, the county **must** send the voter a Proof of Citizenship Letter (Notice of Examination).
- For the matching notifications originating from DPS data, the county user has the choice to either:
  1. Send a Proof of Citizenship Letter (Notice of Examination) to the voter; thereby starting the 30-day countdown clock before cancellation, or
  2. Take no action on the voter record and simply close the task as RESOLVED.

A voter may only be cancelled based on possible non-U.S. Citizen matching information if a [Proof of Citizenship Letter \(Notice of Examination\) \(PDF\)](#) was sent to the voter **and**:

1. The voter responded to the Notice in under 30 days indicating the voter is **not** in fact a U.S. Citizen (you would cancel for not being a citizen – Cancel Reason: Non U.S. Citizen);
2. The voter failed to respond to the Notice within 30 days and is being cancelled for failure to respond to the notice (Cancel Reason: Failure to respond to Notice of Investigation); **or**
3. The notice was mailed and returned as undeliverable to the registrar with no forwarding information available (Cancel Reason: Failure to respond to Notice of Investigation).

To aid in this process, new Dashboard options will be available within the Possible Non U.S. Citizen Dashboard task and a new Event Type has been developed for Offline counties. We are not able to leverage the current Non U.S. Citizen Notification task, which is currently created when a match identifies a voter having responded to a jury summons that he/she is not a United States citizen. We cannot use the current Dashboard line item task/event type because counties are required (by current law) to investigate those records identified as a response to the jury summons response device under the current process. Counties are not, however, required (by current law) to investigate the new DPS data matches if they do not believe that a voter is ineligible to vote. However, our office will provide the data obtained from DPS in order to allow counties all the information necessary to make the determination regarding whether or not to investigate the voter.

**Response needed from the voter:** Once a [Notice of Examination for Citizenship \(Proof of Citizenship\) Letter \(PDF\)](#) has been issued to a voter, the voter is required to provide proof of citizenship as outlined under Section 16.0332, Election Code. This includes:

- A certified copy of the voter's birth certificate,
- United States passport, or
- Certificate of naturalization

A copy of one of these documents (including a copy of the passport) being returned to the registrar is sufficient to meet the proof requirement. The registrar is required to retain a copy of the notice mailed and any proof of citizenship received by the voter. If the voter comes in person and provides proof, then the registrar should make a copy of the document provided and retain it, along with a copy of the notice that was mailed, with the application file for the voter.

For more information, please contact the Elections Division at 1-800-252-VOTE(8683).

KI:BS

# EXHIBIT 2

TEXAS SECRETARY OF STATE

DAVID WHITLEY

**Election Outlook:** [Texas Secretary of State Reminds Texans To Plan Their Trip To The Polls](#) | [More about Identification Requirements for Voting](#) | [Am I Registered to Vote?](#) | [Election Night Returns](#) | [Voter Information](#) | [Voting Issues for Texas](#) | [Harvey Evacuees](#) | [2018 Texas Election Security Update](#)

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## Secretary Whitley Issues Advisory On Voter Registration List Maintenance Activity

**"Integrity and efficiency of elections in Texas require accuracy of our state's voter rolls"**

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53

January 25, 2019

Contact: [Sam Taylor](#)

512-463-6116

**AUSTIN** – Texas Secretary of State David Whitley today issued an [advisory to county voter registrars](#) regarding voter registration list maintenance activities, which include identifying any non-U.S. citizens registered to vote in the State of Texas. For the past year, the Texas Secretary of State's office has worked closely with the Texas Department of Public Safety (DPS) to evaluate information regarding persons identified to not be citizens of the United States. This voter registration list maintenance activity is being conducted in accordance with federal and state law to ensure that only qualified voters - [who must first and foremost be U.S. citizens](#) - are registered to vote in Texas elections.

Through this evaluation, the Texas Secretary of State's office discovered that a total of approximately **95,000** individuals identified by DPS as non-U.S. citizens have a matching voter registration record in Texas, approximately **58,000** of whom have voted in one or more Texas elections. Voting in an election in which the person knows he or she is not eligible to vote is a [second-degree felony in the State of Texas](#). Upon receipt of this information, the Texas Secretary of State's office immediately provided the data in its possession to the Texas Attorney General's office, as the Secretary of State has no statutory enforcement authority to investigate or prosecute alleged illegal activity in connection with an election.

Secretary Whitley issued the following statement:

"Integrity and efficiency of elections in Texas require accuracy of our state's voter rolls, and my office is committed to using all available tools under the law to maintain an accurate list of registered voters. Our agency has provided extensive training opportunities to county voter registrars so that they can properly perform list maintenance activities in accordance with federal and state law, which affords every registered voter the chance to submit proof of eligibility. I would like to thank the Department of Public Safety for providing us with this valuable information so that we can continue to guarantee the right to vote for all eligible Texas voters, who should not have their voices muted by those who abuse the system."

Going forward, the Texas Secretary of State's office will use information it obtains from DPS on a monthly basis to cross-reference with Texas' statewide voter registration database and match potential non-U.S. citizens who have registered to vote. Once a voter registration is identified as a match, the Texas Secretary of State's office will notify the county in which the person is registered so that the county voter registrar can take action.

The following combinations of matches between information in DPS-provided data and the statewide voter registration database are used to identify possible non-U.S. citizens registered to vote:

- Last Name, First Name, and Full Social Security Number;
- Last Name, First Name, and DPS-issued Driver License, Personal Identification Card, or Election Identification Certificate Number; or
- Last Name, First Name, Last Four Digits of Social Security Number, and Date of Birth

If a registered voter is identified as a non-U.S. citizen, he or she should receive a [Notice of Examination \(PDF\)](#) from the county voter registrar indicating that his or her registration status is being examined on the grounds that he or she is not a U.S. citizen. The registered voter will then be required to provide proof of citizenship in order to stay registered, which may be done by submitting to the voter registrar a copy of one of the following documents:

- A certified copy of the voter's birth certificate
- United States passport; or
- Certificate of naturalization (Citizenship certificate)

If the person responds indicating he or she is not a U.S. citizen, or fails to respond to the Notice within 30 days, then the voter registration will be cancelled by the county voter registrar. County voter registrars have been provided with numerous training opportunities to ensure that list maintenance activities are conducted in accordance with state and federal law so as to not affect eligible voters.

Texas voters who wish to check their registration status can visit the Texas Secretary of State's ["Am I Registered?"](#) tool online or [contact the voter registrar in their county of registration](#).

###



# EXHIBIT 3

Prescribed by Secretary of State

Sections 16.033; 16.0332, Texas Election Code; Sections 521.044, 730.005, Texas Transportation Code; Section 62.114, Texas Government Code

BW1-12, 12/2018

NOTICE TO REGISTERED VOTER FOR PROOF OF CITIZENSHIP

*Aviso solicitando comprobante de ciudadanía*

My office has received information concerning your registration to vote. Your registration status is being investigated because there is reason to believe you may not be a United States citizen. This information may have been provided by clerks of the court regarding individuals who were excused or disqualified from jury duty because they are not U.S. citizens and/or the Department of Public Safety ("DPS") for individuals possessing a Driver License or Personal Identification Card who DPS has identified are not citizens of the United States and/or other information derived through lawful means. You are now required to confirm your eligibility for registration by providing proof of citizenship to maintain your registration status. Proof of citizenship must be in a certified form of birth certificate, passport, or citizenship papers. If you fail to provide this proof of citizenship within 30 days from the date of this letter, your voter registration will be cancelled.

Mi oficina ha recibido información en cuanto su inscripción electoral. Estamos investigando su elegibilidad para inscripción en base a que hay causa de dudar su ciudadanía estadounidense. Esta información podría venir bien sea de los oficinistas de la corte a través de la lista de personas disculpadas o descalificadas de prestar servicio como miembro de un jurado debido a que tales personas no son ciudadanos estadounidenses y/o del Departamento de Seguridad Pública ("DPS") en cuanto a personas en posesión de una licencia de conducir o tarjeta de identidad personal quienes DPS ha identificado como no-ciudadanos de los Estados Unidos y/u otra información derivada por medios legales. Ahora se requiere que usted confirme su elegibilidad para inscripción al proveer un comprobante de su ciudadanía para mantener su estado de inscripción. Comprobantes de ciudadanía deben ser o un acta de nacimiento certificada, pasaporte certificado, o documentos de ciudadanía certificados. Si no presenta dicho comprobante de ciudadanía estadounidense dentro de un plazo de 30 días a partir de la fecha de este aviso, su inscripción electoral será cancelada.

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Signature of Voter Registrar

*Firma del Registrador de Votantes*

---

Date

*Fecha*

# EXHIBIT 4

ISSUES PEOPLE JOIN NEWS ELECTIONS GRASSROOTS CLUB VICTORY EVENTS

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# NEWS

## PRESS RELEASES, NEWS

# Texas Secretary of State David Whitley Announces Widespread Voter Fraud in 2018

POSTED 1.25.2019 - by Sam Pohl

### FOR IMMEDIATE RELEASE:

Friday, January 25, 2019

### CONTACT:

Sam Pohl, [press@TexasGOP.org](mailto:press@TexasGOP.org)

### **Texas Secretary of State David Whitley Announces Widespread Voter Fraud in 2018**

95,000 Non-Citizen Legal Immigrants Registered, 58,000 Voted in One or More Elections

**AUSTIN, TX** – Today, Texas Secretary of State David Whitley announced the results of a year long investigation into voter fraud. He stated they have identified 95,000 non-citizens who are currently registered to vote in the state of Texas – 58,000 of which have voted in one or more election. Republican Party of Texas Chairman James Dickey commented:

“We applaud the efforts by the office of the Texas Secretary of State to expose this widespread voter fraud. Secretary of State David Whitley’s announcement provides undeniable proof that voter fraud has been significant – even in Texas. Identifying ineligible registrations and removing them from the voter rolls is the first step toward restoring integrity to our electoral process. No doubt these voters affected election results in 2018. We can not afford voter fraud in 2020 and must stop this abuse now. It is a crime and it is damaging to our republic. We ask the Legislature to consider what additional changes may be needed to reduce potential voter fraud and protect the right to vote for all Texas citizens.”

The Texas Secretary of State's Office announced the denial of 15,000 non-citizens who were on the voter rolls today just before 2:00 p.m. The Republican Party of Texas will continue to work with legislators during the 86th Legislative Session to create and pass legislation to secure the ballot box.

###

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# EXHIBIT 5

AG PAXTON: TEXAS SECRETARY OF STATE'S OFFICE DISCOVERS NEARLY 95,000 PEOPLE IDENTIFIED BY DPS AS NON-U.S. CITIZENS ARE REGISTERED TO VOTE IN TEXAS

January 25, 2019 | [Voter Fraud](#)

# AG Paxton: Texas Secretary of State's Office Discovers Nearly 95,000 People Identified by DPS as Non-U.S. Citizens are Registered to Vote in Texas

Attorney General Ken Paxton today issued the following statement after the Secretary of State's office discovered that about 95,000 individuals identified by the Department of Public Safety as non-U.S. citizens have a matching voter registration record in Texas, and roughly 58,000 of them have voted in one or more Texas elections:

“Every single instance of illegal voting threatens democracy in our state and deprives individual Texans of their voice. We're honored to have partnered with the Texas Secretary of State's office in the past on voter initiatives and we will spare no effort in assisting with these troubling cases. My Election Fraud Unit stands ready to investigate and prosecute crimes against the democratic process when needed. We have obtained a number of successful non-citizen voter fraud convictions, including prison sentences for Rosa Ortega in Tarrant County and Laura Garza in Montgomery County. And earlier this month, investigators from our office arrested Marites Curry, a non-citizen charged with illegal voting in Navarro County. Nothing is more vital to preserving our Constitution than the integrity of our voting process, and my office will do everything within its abilities to solidify trust in every election in the state of Texas. I applaud Secretary of State Whitley for his proactive work in safeguarding our elections.”



Case 5:19-cv-00074-FB Document 8-1 Filed 02/04/19 Page 21 of 262  
Texas law allows lawfully present noncitizens to obtain driver's licenses by showing proof of lawful presence to DPS. However, only citizens are eligible to vote. And Texas law currently does not require verification of a voter's statement that they are a citizen. The Texas Secretary of State provided the information to the Office of the Attorney General this week, which has concurrent jurisdiction to prosecute election crimes.

From 2005-2017, the attorney general's office prosecuted 97 defendants for numerous voter fraud violations. In 2018, Attorney General Paxton's Election Fraud Unit – with assistance from a criminal justice grant from the governor's office – prosecuted 33 defendants for a total of 97 election fraud violations. Last February, the attorney general announced a significant [voter fraud initiative](#) and addressed key problems and policy areas related to election law.

To view the Texas Secretary of State press release, click here: <https://www.sos.state.tx.us/about/newsreleases/2019/012519.shtml>.

# EXHIBIT 6



**Ken Paxton** ✓

@KenPaxtonTX

Follow



**VOTER FRAUD ALERT:** The [@TXsecofstate](#) discovered approx 95,000 individuals identified by DPS as non-U.S. citizens have a matching voter registration record in TX, approx 58,000 of whom have voted in TX elections. Any illegal vote deprives Americans of their voice.

12:37 PM - 25 Jan 2019



14K



35K



83K



# EXHIBIT 7



**Donald J. Trump** ✓

@realDonaldTrump

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58,000 non-citizens voted in Texas, with 95,000 non-citizens registered to vote. These numbers are just the tip of the iceberg. All over the country, especially in California, voter fraud is rampant. Must be stopped. Strong voter ID! @foxandfriends

5:22 AM - 27 Jan 2019

41K 41K 141K

# EXHIBIT 8



# Some Texas voters already are being asked to prove their citizenship after state's announcement

The Texas Tribune reached out Monday to 13 of the 15 counties with the most registered voters; only Galveston County indicated it would immediately send out letters asking voters for proof of citizenship.

BY **ALEXA URA** JAN. 28, 2019 7 PM



Galveston County voters who receive letters have 30 days to provide proof of citizenship. 📷 Waylon Cunningham for the Texas Tribune

After the state's announcement that it was flagging tens of thousands of registered voters for possible citizenship checks, some Texas voters could be

Local election officials have received lists of individuals whose citizenship status the state says counties should consider checking. Officials in some of Texas' biggest counties said Monday they were still parsing through thousands of records and deciding how best to verify the citizenship status of those flagged by the state. But in Galveston County, the first batch of "proof of citizenship" letters were scheduled to be dropped in the mail Monday afternoon.

Those notices start a 30-day countdown for a voter to provide proof of citizenship such as a birth certificate, a U.S. passport or a certificate of naturalization. Voters who don't respond will have their voter registration canceled.

The Texas Tribune reached out Monday to 13 of the 15 counties with the most registered voters; Galveston was the only one that indicated it would immediately send out letters, even as more than a dozen civil rights groups warned the state and local election officials that they risked violating federal law by scrutinizing the voters flagged by the state.

Cheryl Johnson, who oversees the voter rolls in Galveston County as its tax assessor-collector, said she was simply following state law by starting to send letters to the more than 830 people the state flagged.

Those people are among the approximately 95,000 registered voters whom the state said provided the Texas Department of Safety with some form of documentation, such as a green card or a work visa, that showed they were not citizens when they obtained driver's licenses or ID cards.

It's unclear exactly how many of them are not U.S. citizens. Legal permanent residents, also known as green card holders, who become naturalized citizens after obtaining driver's licenses are not required to update DPS on their citizenship status, according to voting rights lawyers.

Past reviews of the voter rolls by other states ultimately found that a much smaller number of the thousands of voters initially flagged were actually noncitizens. Civil rights groups have pointed to Florida, where a similar methodology was used to create a list of approximately 180,000 registered voters that officials claimed were noncitizens. The number ultimately was reduced to about 85 voters. Amid a court fight, Florida eventually agreed to reinstate 2,600 voters who were mistakenly removed from the rolls because the state classified them as noncitizens.

Bruce Elfant, Travis County's tax assessor-collector and voter registrar, indicated he was concerned about the accuracy of the data because the county previously



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received data from DPS that was "less than pristine." County officials vowed to review the list they received of 4,547 registered voters but were still trying to convert the data into a usable format.

He said he also wanted more information about the methodology the Texas Secretary of State's office used to compile the list, pointing out that naturalized citizens may have obtained their driver's licenses before becoming citizens.

"The state is responsible for vetting for citizenship" during the voter registration process, Elfant said. "I would be surprised if that many people got through it."

Other county officials echoed Elfant's point about naturalized citizens. Collin County's election administrator, Bruce Sherbert, said the county had received a list of approximately 4,700 names and would consider them on a case-by-case basis, checking for situations in which a voter already might have already some form of proof of citizenship.

"It can be a process that takes several months to go through," Sherbert said. "We're just at the front side of it."

Facing a list of 2,033 individuals, Williamson County officials said they were considering ways in which they could determine citizenship without sending notices to voters. Chris Davis, the county's election administrator, said some naturalized citizens could have registered to vote at naturalization ceremonies in other counties, so their files might indicate their registration applications were mailed in from there.

"We want to try to avoid sending notices to folks if we can find proof of their citizenship, thereby they don't have to come in and prove it themselves or mail it," Davis said.

Election officials in Fort Bend County said they had received a list of about 8,400 voters, but they noted some may be duplicates. El Paso County officials said their list had 4,152 voters.

Harris County officials did not provide a count of voters the state flagged on its rolls, but Douglas Ray, a special assistant county attorney, said they were treading carefully because of previous missteps by the state.

"To be quite frank, several years ago the secretary of state did something very similar, claiming there were people who were deceased," Ray said. "They sent us a list and the voter registrar sent confirmation notices, and it turned out a lot of people identified on the list were misidentified. A lot of the people who received notices were very much alive."

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Ray said the county plans to examine the identities of voters on the list, reviewing registration information on file and proceeding with the confirmation process if they have “serious questions” about a voter.

“We don't want noncitizens voting any more than anyone else does,” Ray said. “What we're skeptical of is the quality of information we're being given.”

Election officials in Dallas, Tarrant, Bexar, Hidalgo, Montgomery and Cameron counties did not respond to questions about the lists they received. The state declined to provide specifics about the list on Friday and directed the Tribune to file an open records request.

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# Harris County “Very Skeptical” About State’s Potential Non-Citizen Voter List

Harris County is looking into the list before taking action, while neighboring Galveston County has mailed out citizenship check requests.

TRAVIS BUBENIK | JANUARY 29, 2019, 1:40 PM (LAST UPDATED: JANUARY 29, 2019, 3:11 PM)



Alvaro 'Al' Ortiz/Houston Public Media

Election signs at an early voting location at Spring First Church, in Spring, TX on October 28, 2018.

Civil rights groups are urging Texas counties [not to take action](#) on a state-circulated list of [potential non-citizen voters](#). In Harris County, the state’s most populated county, officials say they’ll further investigate the list before sending out citizenship checks.



The state wants local election officials to check the citizenship of about 95,000 registered voters who were not citizens when they obtained their driver's license or state ID.

Douglas Ray, with the Harris County Attorney's Office, said he's "very skeptical" about the validity of the list.

"We think that there's probably a lot of people, a lot of people, who got their driver's license when they weren't citizens, but who subsequently became citizens and registered to vote," he said.

Ray also pointed to a situation years ago where the state believed tens of thousands of registered voters were dead. Many turned out to be [very much alive](#). He said the county is also worried about citizens not responding in time to the citizenship checks requests — they have 30 days, by law — and then losing their right to vote.

"We don't want to take the risk, especially under these circumstances, that large numbers of people who are citizens, have the right to vote, have registered to vote, are disenfranchised just because they didn't get their mail," Ray said. "That's one of the risks that we're not willing to take at this point."

Officials in neighboring Galveston County have started mailing out the requests. Cheryl Johnson, the county's top voter registration official, said the county has a "duty" to reach out to registered voters whenever it receives information that a registration might be invalid.

"When the Secretary of State puts work on the dashboard, we work that work," she said. "I have a responsibility to ensure the integrity of my voter roll."

Johnson said she believes the state did "due diligence" in coming up with the list of possible non-citizen voters, but said the county will notify the state if it finds any problems with the data.

Johnson said Tuesday afternoon the secretary of state's office had informed her that some individuals should not have been placed on the state's initial list of potential non-citizens, though she couldn't say how many. (The initial list included fewer than 900 people in Galveston County.) There were [reports](#) of similar errors in other Texas counties.

Johnson said her office is going back through a first batch of notices asking for proof of citizenship sent out Monday to see if any of those letters went to the wrong people.

"We're going to send a letter out to those folks, letting them know there's no need for them to take any further action," she said.

Johnson said as the process plays out, any citizens mistakenly removed from the voter rolls would be notified, and would be able to re-register.

*This story has been updated.*

## Texas tells counties noncitizen voter report may be flawed

Associated Press State Wire: Texas (TX) - January 29, 2019

- Author/Byline: PAUL J. WEBER Associated Press
- Section: Elections
- Readability: >12 grade level (Lexile: 1530)

AUSTIN, Texas (AP) — Officials with the Texas secretary of state's office began calling county election chiefs Tuesday to warn about problems with its recent report questioning the citizenship of tens of thousands of registered voters, the latest example of a state backpedaling after raising alarms about potential widespread election fraud.

Local officials told The Associated Press that they received calls from Texas Secretary of State David Whitley's office indicating that some citizens had been included in the original data announced Friday. The state had used a database of drivers' licenses and personal IDs to suggest that as many as 95,000 non-U.S. citizens may be on the state's voter rolls and that as many as 58,000 may have cast a ballot at least once since 1996.

"We received a call from the state saying we should put things on hold," said Dallas County Elections Administrator Toni Pippins-Poole. "Some of the data that they received was flawed. Some of the voters had already provided proof of citizenship."

Whitley released a new statement Tuesday that didn't provide any revised estimate of voters whose citizenship remains in question. It also doesn't acknowledge any errors with the initial count, after his office Friday had expressed high confidence in the data that was used.

After the report, President Donald Trump this weekend went to Twitter to renew his unsubstantiated claims of rampant voter fraud.

Nearly 10,000 names had been flagged in Dallas County. Another elections chief in suburban Austin said many of the roughly 2,000 names he received now warranted no investigating.

"There's a significant number, at least in our list," Williamson County Election Administrator Chris Davis said.

Texas is not the first state to question the citizenship of thousands of registered voters, and often early claims of possible illegal voting on a rampant scale haven't held up.

When Florida began searching for noncitizens in 2012, state officials initially found 180,000 people suspected of being ineligible to vote when comparing databases of registered voters and driver's licenses. Florida officials later assembled a purge list of more than 2,600 names but that, too, was beset by inaccuracies. Eventually, a revised list of 198 names of possible noncitizens was produced through the use of a federal database.

In Colorado, former Republican Secretary of State Scott Gessler launched a search for non-citizen voters with a pool of 3,903 people. Hundreds on his list were U.S. citizens, and Gessler later passed along just 141 names to county clerks.

"Citizenship status changes, and the fact is when that when you do this kind of large-scale database matching you're going to confuse people," said Myrna Perez, a voting rights expert and deputy director of New York-based Brennan Center for Justice Democracy Program. "These claims keep surfacing up and get debunked."

Even before Tuesday, there were signals that the Texas numbers may represent a massive overcount. Republican Texas Attorney General Ken Paxton told supporters in a fundraising email Monday that "many of these individuals may have been naturalized before registering and voting, which makes their conduct perfectly legal."

Davis, who is also president of the Texas Association of Election Administrators, said the state advised local election chiefs Tuesday to remove any names that were shown to have originally registered to vote with Texas Department of Public Safety, which issues driver's licenses and personal IDs. He said they were told "to consider them citizens."

Sam Taylor, a spokesman for the Texas secretary of state's office, said Tuesday in response to the phone calls to counties that they are continuing to provide information to help verify voter eligibility.

"This is to ensure that any registered voters who provided proof of citizenship at the time they registered to vote will not be required to provide proof of citizenship as part of the counties' examination," he said.

Follow Paul J. Weber on Twitter: [www.twitter.com/pauljweber](https://www.twitter.com/pauljweber)

- Index terms: FullStory; US--Texas-Voter Rolls; Government and politics; Elections
- Locations: Texas, United States, North America

• *Dateline:* AUSTIN, Texas

• *Record:* c12a6e616ed624da90c76b42204269c

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## As Texas counties began Wednesday to remove names that were

*Austin American-Statesman (TX) - January 31, 2019*

- Author/Byline: Chuck Lindell clindell@statesman.com
- Section: TX News
- Page: A6
- Readability: >12 grade level (Lexile: 1570)

As Texas counties began Wednesday to remove names that were mistakenly included on a state list of suspected noncitizens who are registered to vote, the Texas secretary of state's office has taken no public action to correct an earlier statement claiming that 95,000 people might have broken state election laws.

Secretary of State David Whitley on Friday said voter registration rolls, when matched against records of non-U.S. citizens that had been provided by the Department of Public Safety, found 95,000 matches — including 58,000 who had voted in one or more elections since 1996.

Whitley directed county elections officials to investigate and referred the names to Texas Attorney General Ken Paxton, who said his office stood ready to investigate and prosecute noncitizens who registered to vote or cast a ballot.

But once county officials had the list of suspect voters in hand earlier week, they quickly determined that many of those listed were easily identified as U.S. citizens and should not have been included.

On Tuesday, state employees acknowledged the problem in telephone calls to county officials, saying the county-by-county lists of suspect voters improperly included people who had registered to vote at a DPS office after showing proof of citizenship.

Once those names were removed, Williamson County was left with less than half of its original list of 2,033 names, Elections Administrator Chris Davis said Wednesday.

"We're still working on the remainder," he said. "Our vetting continues indefinitely for now."

Travis County cut 634 names, about 14 percent, from its state-provided list, according to a fact sheet published on the county's website.

While codes provided by the secretary of state's office helped identify those who had properly registered at a DPS office, much more investigation will be needed to identify people who had become a naturalized U.S. citizen and are thus eligible to vote, the fact sheet said.

Records provided by the DPS included people who indicated that they were not a U.S. citizen, but were in the country legally, when they applied for a Texas driver's license or identification card. There is no requirement to inform the DPS when citizenship status changes.

In Bastrop County, Elections Administrator Bridgette Escobedo said she had worked her way through about one-third of a list of 145 names, finding 15 that did not belong there. She said she also found several names of people who had become naturalized citizens.

Also Wednesday, county officials said they have had little luck connecting with the secretary of state's office to clarify the situation.

Escobedo said she asked Whitley's office to provide a "clean" list of suspected noncitizen voters but had heard no response by early Thursday evening.

"We're wasting a lot of resources and energy on nonissues," she said. "Don't make me go through all 145 people on my list if you know some shouldn't be on there."

In Williamson County, Davis said the secretary of state's office had not responded to his request for written instructions on how to cull the list of suspected noncitizens — information Whitley's office provided by telephone Tuesday.

Travis County also received no response to its request that Whitley revise his initial advisory, county spokeswoman Tiffany Seward said Wednesday.

Hays County Elections Administrator Jennifer Anderson did not return a phone call or emails seeking information.

While counties have begun removing names from their lists, the secretary of state's website continues to promote — without revision or correction — its Friday notice claiming that 95,000 people were identified as registered voters who are possible noncitizens, a violation of state law, and that 58,000 of those people had voted in one or more elections, a potential felony.

Whitley's office has not responded to questions posed Tuesday and Wednesday asking if there are plans to update the numbers or publicly acknowledge that the original list included U.S. citizens who were mistakenly included.

Requests to interview Whitley also have been ignored.

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- *Record:* 3936242
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# "Someone did not do their due diligence." How an attempt to review Texas' voter rolls turned into a debacle

Texas officials flagged 95,000 voters for citizenship reviews. But after thousands have already been cleared, questions are being raised about how they handled the process.

BY ALEXA URA FEB. 1, 2019 10 AM



"What they have set in motion is going to disenfranchise U.S. citizens and it's going to infringe on their right to vote," said state Rep. Rafael Anchia, D-Dallas. 📷 Michael Stravato for The Texas Tribune

State Rep. [Rafael Anchia](#) had been alarmed by the actions of the Texas secretary of state's office for days by the time the agency's chief, David Whitley, walked into the Dallas Democrat's Capitol office on Monday.

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The Friday before, Whitley's staff had issued a bombshell press release calling into question the citizenship of 95,000 registered voters in Texas. Soon after, Democratic lawmakers and advocacy groups were raising serious questions about how many people on that list were actually non-citizens who are ineligible to vote.

But before those doubts emerged, Whitley, the top election officer in the state, had handed over information about those registered voters to the Texas attorney general, which has the jurisdiction to prosecute them for felony crimes.

So as Anchia sat at the end of his green, glass-topped conference table, he wanted to know: Did Whitley know for sure that any of the names on his list had committed crimes by voting as noncitizens?

"No," Whitley answered, according to Anchia.

"And I said, 'Well, isn't it the protocol that you investigate and, if you find facts, you turn it over to the AG?'"

"I do not have an answer for that," Whitley responded, according to Anchia's recollection of the Monday meeting.

By then, Whitley's press release had already been signal-boosted by top Republican officials — including President Donald Trump — who slapped on unsubstantiated claims of voter fraud and illegal voter registration and pointed to it as proof that voter rolls needed to be purged. And county election officials across the state had gone to work parsing through the records of thousands of registered voters whose citizenship status the state now said they should consider verifying. Some counties were even in the process of sending letters to voters ordering them to prove they were citizens.

Soon after, the citizenship review effort would buckle, revealing itself as a ham-handed exercise that threatened to jeopardize the votes of thousands of legitimate voters across the state. The secretary of state's office would eventually walk back its initial findings after embarrassing errors in the data revealed that tens of thousands of the voters the state flagged were actually citizens. At least one lawsuit would be filed to halt the review, and others were likely in the pipeline. And a week into the review, no evidence of large-scale voter fraud would emerge.

But at their Monday meeting, Whitley argued that his office was following the normal course of upkeep of the voter rolls. That didn't make Anchia — who chairs the Texas House's Mexican American Legislative Caucus — feel much better.

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“What they have set in motion is going to disenfranchise U.S. citizens and it’s going to infringe on their right to vote,” he said days later. “The damage that this is doing ... to legitimate U.S. voters is substantial.”

### “Lawful presence list”

The citizenship check effort went public this week, but the seeds for it were planted in 2013. That year, Texas lawmakers quietly passed a law granting the secretary of state’s office access to personal information maintained by the Department of Public Safety.

During legislative hearings at the time, Keith Ingram, director of elections for the secretary of state’s office, told lawmakers that the information would help his office verify the voter rolls. The state had had a recent misstep when it tried to remove dead people from the rolls and ended up sending “potential deceased” notices to Texans who were still alive.

One of the DPS records the secretary of state’s office was granted access to under the 2013 law was a list of people who had turned in documentation — such as a green card or a work visa — that indicated they weren’t citizens when they obtained a driver’s license or a state ID card.

But it appears that the secretary of state’s office held off for years before comparing that list with its list of registered voters. Former Secretary of State Carlos Cascos, a self-proclaimed skeptic of Republican claims of rampant voter fraud, said he had no memory of even considering using the DPS data when he served from 2015 to 2017.

“I don’t recall it ever coming to my desk,” Cascos said. “I don’t even recall having any informal discussions of that.”

And there was reason to be careful with the “lawful presence list.” Driver’s licenses don’t have to be renewed for several years. In between renewals, Texans aren’t required to notify DPS about a change in citizenship status. That means many of the people on the list could have become citizens and registered to vote without DPS knowing.

Other states learned the hard way that basing similar checks on driver’s license data was risky.

In 2012, Florida officials drew up a list of about 180,000 possible noncitizens. It was later culled to about 2,600 names, but even then that data was found to include errors. Ultimately, only about 85 voters were nixed from the rolls.

Around the same time, officials in Colorado started with a list of 11,805 individuals on the voter rolls who they said were noncitizens when they got their driver's licenses. In the end, state officials said they had found about 141 noncitizens on the rolls — 35 of whom had a voting history — but that those still needed to be verified by local election officials.

But it was under the helm of former Secretary of State Rolando Pablos, who took over in 2017, that Texas began processing the DPS list. That happened even though at least some people in the office knew the risk. Officials in the secretary of state's office early last year told The Texas Tribune that similar checks in other states using driver's license data had run into issues with naturalized citizens. Pablos didn't respond to requests for comment.

Still, on Dec. 5, Betsy Schonhoff, voter registration manager for the secretary of state's office, told local officials that her office had been working with DPS "this past year" to "evaluate information regarding individuals identified by DPS to not be citizens." In a mass email sent to Texas counties — and obtained by the Tribune — Schonhoff informed them that the secretary of state's office would be obtaining additional information from DPS in monthly files and sending out lists of matches starting in mid-January.

The next day, Pablos announced he would resign after two years in office. In his place, Republican Gov. [Greg Abbott](#) appointed Whitley, a longtime Abbott aide who at the time served as the governor's deputy chief of staff.

## **“VOTER FRAUD ALERT”**

Last Friday, Williamson County Elections Administrator Chris Davis had just wrapped up a staff retreat when he got back to his office in Georgetown. By then, news of the state's list of 95,000 registered voters flagged for review was spreading.

A secretary of state's advisory about the list had landed in his inbox earlier that day, but it didn't include any numbers. He knew the reported total of 95,000 likely included naturalized citizens from the get-go.

But misinformation spread quickly. Some of the statements being released about the list were misleading. Others were downright inaccurate. Texas Attorney General [Ken Paxton](#), a Republican, took to Twitter within the hour and prefaced the news with the words “VOTER FRAUD ALERT.” At that point, none of the counties had any data to verify.





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Thanks to Attorney General Paxton and the Secretary of State for uncovering and investigating this illegal vote registration. I support prosecution where appropriate. The State will work on legislation to safeguard against these illegal practices. #txlege #tcot

**Ken Paxton** @KenPaxtonTX

VOTER FRAUD ALERT: The @TXsecofstate discovered approx 95,000 individuals identified by DPS as non-U.S. citizens have a matching voter registration record in TX, approx 58,000 of whom have voted in TX elections. Any illegal vote deprives Americans of their voice.

2,750 4:57 PM - Jan 25, 2019

1,736 people are talking about this

Also on Twitter, Abbott thanked Paxton and Whitley “for uncovering and investigating this illegal vote registration.” Later that afternoon, the Republican Party of Texas sent out a fundraising email with the subject line that read “BREAKING: 95,000 Non-Citizens Registered to Vote?!”

The next day, the president chimed in, claiming on Twitter that “58,000 non-citizens voted in Texas” and adding the unsupported claim that “voter fraud is rampant” across the country.



**Donald J. Trump**  
@realDonaldTrump

58,000 non-citizens voted in Texas, with 95,000 non-citizens registered to vote. These numbers are just the tip of the iceberg. All over the country, especially in California, voter fraud is rampant. Must be stopped. Strong voter ID! @foxandfriends

141K 8:22 AM - Jan 27, 2019

82.1K people are talking about this

But when El Paso County’s election administrator, Lisa Wise, examined the list of 4,152 names she got from the state on Monday morning, she knew something was wrong. Included on the list was one of her staff members — a naturalized citizen since 2017.

Case 5:19-cv-00854-EP Document 6 Filed 02/14/19 Page 4 of 262  
“We had a naturalization party for her,” Wise said. “She had gone and gotten her driver’s license, I think, four years ago.”

The errors didn’t end there. By Tuesday morning, secretary of state officials had started calling counties across the state to inform them that they had made a mistake. The office had incorrectly included some voters who had submitted their voting registration applications at DPS offices and who since then had been confirmed to be citizens, county officials said.

Things grew even more confusing for Remi Garza, elections administrator in Cameron County. He had originally received a list with just more than 1,600 people to review. When someone from the secretary of state’s office called on Tuesday, Garza was told that weeding out applications labeled as “source code 64” — the code that indicates the origin of the application was a DPS office — would remove “well over” 1,500 names from his list, leaving him with just 30 individuals to investigate.

But his staff was only able to find 300 people whose applications were labeled as such, Garza said. After another call with the secretary of state’s office, Garza said he was told that the 1,500 number had also been incorrect. Now, he said he’s left with about 85 percent of his list.

“That’s a level of accuracy I’m not comfortable with,” Garza said on Tuesday. “We’re going to be moving through it very cautiously and slowly. We’re talking about the franchise and, I’m not in any way going to jeopardize someone’s ability to vote unless I have a very serious concern.”

Following the secretary of state’s calls, the number of registered voters flagged by the state began to plummet. In Harris County alone, the state’s flub translated to about 18,000 voters — about 60 percent of the original list — whose citizenship status shouldn’t have been questioned.

In Travis County, officials dropped 634 voters off their original list of 4,558. Dallas County’s original list of 9,938 dropped by more than 1,700 voters. In Tarrant County, it was about 1,100 voters cleared from the original 5,800.

The secretary of state’s office told the McLennan County elections office to disregard its entire list of 366 voters, the Waco-Tribune Herald [reported](#).

But the state’s calls came a day too late in Galveston County, where Cheryl Johnson, who oversees the voter rolls as the county’s tax assessor-collector, had already sent off the first batch of “proof of citizenship” letters to voters who were on her initial list of more than 830 people.

Case 5:19-cv-00054-EP Document 1-6 Filed 02/04/19 Page 4 of 262

On Monday, her office had mailed 92 notices, which told voters their registration would be canceled if they didn't prove their citizenship within 30 days. That warning even applied to citizens who missed the notice in the mail or didn't gather their documentation in time. On Tuesday, she learned from the state that 62 of those never should have been sent out. She spent Wednesday preparing follow-up letters to inform those voters that their registration was safe.

### **“I don't even have words”**

For the better part of 26 years, Julieta Garibay, a Mexican immigrant, was regularly reminded that she better not vote: “It's fraud. You would never be allowed to become a citizen.’ This was ingrained in my mind.”

When she finally took her oath of citizenship in a federal building in San Antonio last April, she let only two days go by before registering to vote in Austin, her adopted hometown. She excitedly cast a ballot last November.

But she's been stewing since last Friday when she heard about the secretary of state's announcement. Garibay last renewed her driver's license in 2017 — before she became a U.S. citizen — so she was sure she was on the list. A Travis County official called her to confirm her suspicions on Wednesday, after Garibay had reached out.

Travis County election officials suspected people like Garibay would be on their list. And state officials confirmed to them on Tuesday that the records they provided may include voters who were not citizens when they applied for a driver's license but have since become naturalized citizens, said Bruce Elfant, the county's tax-assessor-collector and voter registrar.

But the secretary of state's office has not confirmed that publicly, and it has not responded to questions about whether it will send updates to the attorney general's office to clear individuals who were on the original list.

Amid the silence, civil rights groups and members of the Mexican American Legislative Caucus have raised questions about whether the secretary of state's office publicized its numbers knowing naturalized citizens would be included — or worse that they published them because naturalized citizens could be purged from the rolls in the process.

For Cascos, a Republican who said he long struggled to toe the party line when it came supporting claims that voter fraud was “rampant,” it's been problematic to watch how the secretary of state's initial announcement seemed to confirm the beliefs of many Republicans.

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“I think there’s a problem here, and the problem is that, in my opinion, someone did not do their due diligence before they let these numbers out,” Cascos said.

On Thursday, Abbott — whose initial reaction to the numbers went as far as vowing a legislative fix — attempted to recast the secretary of state’s announcement as a work in progress.

"They were reaching out to counties saying, ‘Listen, this isn’t a hard-and-fast list," Abbott said at an unrelated press conference. "This is a list that we need to work on together to make sure that those who do not have the legal authority to vote are not going to be able to vote."

But while some election officials are looking for ways to clear naturalized citizens without asking them to verify their citizenship, others are unlikely to follow suit. For instance, Johnson in Galveston County says she has no other way to determine whether the people on her list are citizens other than sending them a notice that starts the 30-day clock for them to provide proof to avoid getting kicked off the rolls.

“They said, ‘Use other resources,’ and I said, ‘What resources are that?’” Johnson said. “They said, ‘Well, see if you have any other ways to determine the information.’ I really don’t.”

Secretary of state officials, in conversations with county officials, have gone so far as to express interest in how locals were identifying naturalized citizens on the list.

On Tuesday, the civil rights group League of United Latin American Citizens filed a lawsuit that argued that forcing naturalized citizens to prove they are legitimate voters amounts to a “witch hunt” and a “plan carefully calibrated to intimidate legitimate registered voters from continuing to participate in the election process.”

To Democratic state Rep. Victoria Neave of Dallas — who is on the Mexican American Legislative Caucus committee created to scrutinize the citizenship review — the whole effort is “nothing short of a political attack on Latino naturalized citizens.”

But Garibay, the Mexican immigrant, sums it up as irresponsible and frustrating.

“I think to many of us, especially when the journey has been so long ... [voting] is something so important,” Garibay said. “For someone to say you did something wrong when it’s your right to do it, I don’t even have words.”



## Voter purge's rocky rollout; State's analysis of fraud contains numerous errors

*Houston Chronicle (TX) - February 1, 2019*

- Author/Byline: Allie Morris, Austin Bureau
- Edition: Houston
- Section: A
- Page: A001
- Readability: >12 grade level (Lexile: 1390)

AUSTIN - Last Friday afternoon, Republican Attorney General Ken Paxton took to Twitter to blast out alarming news.

"VOTER FRAUD ALERT," the tweet said . "The @TXsecofstate discovered approx 95,000 individuals identified by DPS as non-U.S. citizens have a matching voter registration record in TX, approx 58,000 of whom have voted in TX elections."

The tweet ricocheted across the internet for two hours before the state sent notice of the explosive number of suspected noncitizen voters to county election officials, who are charged with verifying the initial findings and purging any ineligible voters. The state had been working on the analysis since March 2018, but it took the elections officials less than a day to spot glaring errors. By Tuesday, the original list of 95,000 had been cut to roughly 75,000 names.

"I can't speculate as to why the original list had mistakes," said Williamson County Elections Administrator Chris Davis, who is president of the Texas Association of Elections Administrators and was among the first to notify the state of inaccuracies. "We weren't, my county, wasn't consulted on search parameters or methodology."

The sequence of events spotlights a rocky rollout that put far more emphasis on splashy numbers than accuracy.

All 366 registered voters on the list sent to McLennan County election officials, for example, were incorrectly flagged and had already proved citizenship, the Waco Tribune-Herald reported .

Allegations of widespread voter fraud have become a rallying cry for Republicans, though evidence hasn't borne it out. During his election and afterward, President Donald Trump made repeated, unsubstantiated claims of widespread illegal votes.

Florida sought to purge noncitizens from the voter rolls in 2012 and initially flagged 180,000 people. The number soon shrank to 2,600, and ultimately 85 voters were taken off the rolls, according to the Tampa Bay Times .

The roughly 20,000 names cleared so far are only across a handful of the 254 Texas counties and include voters who had proved citizenship at naturalization ceremonies or when getting a driver's license. Election officials in some counties, including Bexar and Webb, have yet to begin vetting their lists.

"I am not putting pressure on my staff to drop everything," said Jose Salvador Tellez, interim elections administrator for Webb County. "I have a limited staff."

Still, Texas Republican leaders aren't backing off the claims, even if some are toning down the strong rhetoric.

Gov. Greg Abbott on Thursday urged state and local election officials to work "swiftly together to make sure our voter rolls are accurate to ensure integrity in the election process."

He said Secretary of State David Whitley, whom he appointed, had made clear the list of suspected noncitizens contained "weak" matches that needed further vetting.

The nuance didn't come through in a tweet Abbott had sent Friday , thanking Paxton and Whitley "for uncovering and investigating this illegal vote registration. I support prosecution where appropriate."

The Secretary of State's office sent the initial list of registered voters to Paxton's office for possible criminal investigation. It's not clear whether Paxton will begin work on those names, even after counties have found tens of thousands of voters were wrongly flagged.

"To protect the privacy of the voters and witnesses involved in these cases and preserve the integrity of these investigations, we are not able to give play-by-plays of our progress," Marc Rylander, director of communications at the attorney general's office, said in a statement. "However, our office will spare no expense or effort in investigating each of these referrals."

Voting rights groups and members of the Mexican American Legislative Caucus say the whole operation was a political stunt that left legitimate voters at risk of having their registration stripped.

A federal lawsuit filed this week by the League of United Latin American Citizens seeks to block the state's attempted purge of voter rolls.

Abbott, Paxton and Whitley "need to apologize to those on the list and to the people of Texas whose money they wasted," Texas AFL-CIO Secretary-Treasurer Montserrat Garibay said in a statement Thursday. "Our lawmakers, rather than make voting harder, should get to the bottom of this sorry episode to make sure it never happens again."

This is not the first time Texas has attempted a voter purge armed with erroneous information. In 2012, state election officials mistakenly matched living voters to the names of deceased people in their effort to purge dead voters from the rolls before the presidential election.

"We had a guy in our office, who worked with the voter registrar, and he got one of these notices - that he was dead," said Harris County special assistant attorney Douglas Ray.

So, Ray said, when Harris County received the initial list this week, he was "very skeptical those people were actually noncitizens."

Harris County, a Democratic stronghold, leads the state in wrongly flagged voters, with about 18,000 cleared from the list.

"We are going to proceed very carefully to check the voter registration files of each of the people who remain," Ray said. "We are going to complete that investigation before we go further. It might take quite some time."

The state analysis compared voter registration data - some going back as far as 1996 - to driver's license records in which applicants had indicated they weren't U.S. citizens.

Critics contend the approach would also wrongly capture those who were naturalized after obtaining a driver's license. Some 50,000 people are naturalized each year in Texas, according to voter advocacy groups.

"Everybody wants clean and accurate rolls," said Myrna Perez, director of the Voting Rights and Elections Project at The Brennan Center for Justice at New York University Law School. "But there are ways to do it that aren't sloppy and that use better methods of assessing information."

The Secretary of State's Office is planning to conduct smaller-scale checks on voter citizenship on a monthly basis, and is working with the Department of Public Safety "to get additional information that will help us going forward with these monthly checks, making sure they are efficient and accurate," said Sam Taylor, spokesman for the Secretary of State's office.

amorris@express-news.net

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## Registrar, state leaders sued over voter review

*Galveston County Daily News, The (TX) - February 2, 2019*

- Author/Byline: John Wayne Ferguson
- Section: News
- Readability: 11-12 grade level (Lexile: 1300)

### GALVESTON

A civil rights group sued Galveston County Voter Registrar Cheryl Johnson and three top state leaders Saturday in effort to block the review of tens of thousands of voter registrations.

The lawsuit, filed in Corpus Christi by the Mexican American Legal Defense and Educational Fund, claims the review effort is an attempt to suppress minority and naturalized citizen voters across the state.

Along with Johnson, the lawsuit names Texas Secretary of State David Whitley, Gov. Greg Abbott and Attorney General Ken Paxton. It asks the U.S. District Court for the Southern District of Texas to block state and county officials from investigating people the state late last month flagged as registered voters who might not be U.S. citizens.

"Texas officials launched this flawed voter purge after Latino voters doubled their turnout since the last midterm elections," said Nina Perales, vice president of litigation at the defense fund. "Targeting naturalized citizens, 75 percent of whom are Latino and Asian-American in Texas, is a naked attempt to strip minority voters from the rolls."

Whitley's office on Jan. 25 said it had identified 95,000 people on the state's voter rolls who had identified themselves as non-citizens. Of those people, 58,000 appeared to have voted in at least one election in Texas since 1996.

While Whitley's office did not call the numbers proof of fraud, both Paxton and Abbott promised to investigate the voter rolls and prosecute people who might have voted illegally.

Civil rights groups quickly protested the release and the Republican leaders' claims of potential fraud. The state's list of voter fraud likely includes thousands of people who are naturalized citizens but who were listed in Texas Department of Public Safety records as non-citizens because they received drivers licenses before they became naturalized, the groups said.

While most election officials around the state hesitated to begin checking the names flagged by Whitley's office, Johnson did not. On Monday and Tuesday, her office sent more than 90 letters to Galveston County voters saying they must prove their citizenship or else be removed from the voter rolls.

After the letters were sent out, Whitley's office notified county officials that some of the names on the initial list did not belong there. On Wednesday, Johnson sent a second letter to 58 people, saying they no longer needed to prove their citizenship.

The lawsuit was filed on behalf of seven people whose name appeared on the state's list of potential non-citizens. One of those people is a Galveston County resident.

Elena Keane is a naturalized citizen who received a letter challenging her citizenship on Jan. 29. She received a second letter rescinding that challenge on Jan. 31, according to the lawsuit.

The investigation stigmatized Keane by implying she might have registered to vote illegally, according to the lawsuit.

Other plaintiffs are from Travis, Dallas, Harris and Bexar counties, according to the lawsuits. All of them are Latino, and all are naturalized citizens.

The lawsuit accuses Johnson and the state officials of violating the plaintiffs' right to equal protection under the Constitution and their rights to vote. It also accuses Abbott, Paxton and Whitley of conspiring to violate voters' civil rights.

The lawsuit does not accuse Johnson of participating in a conspiracy.

No one who had been sent a citizenship challenge had been removed from the county's voter rolls, Johnson said Friday. The registrar's office would cease sending letters until the state could clarify the accuracy of its initial list, she said.

The lawsuit asked the federal court to order Johnson to not to cancel any, or to reinstate any, voter registrations suspended based on records from the secretary of state's office.

Johnson had not seen the lawsuit, she said Saturday. No voters had been removed from the rolls as of Saturday, she said. She cited,

among other things, state laws giving people 30 days to respond to citizenship challenges before her office can take action.

"I have no intention of removing voters," Johnson said. "My intention was to follow the law."

The lawsuit is the second one filed over the voter review effort, and the first to target a county official. Before filing the lawsuit, the defense fund sent letters to election officials across the state, warning they risked being sued if they used Whitley's list to remove voters from their rolls.

- Record: ea4d90c62dc93846d5ecbd483cf5f9125367b
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## Questions surround inquiry into alleged voter fraud

*Tyler Morning Telegraph (TX) - February 2, 2019*

- Author/Byline: ALEXA URA Texas Tribune [texastribune.org](http://texastribune.org)
- Section: News
- Readability: 11-12 grade level (Lexile: 1260)

State Rep. Rafael Anchia had been alarmed by the actions of the Texas secretary of state's office for days by the time the agency's chief, David Whitley, walked into the Dallas Democrat's Capitol office on Monday.

The Friday before, Whitley's staff had issued a bombshell press release calling into question the citizenship of 95,000 registered voters in Texas. Soon after, Democratic lawmakers and advocacy groups were raising serious questions about how many people on that list were actually noncitizens who are ineligible to vote.

But before those doubts emerged, Whitley, the top election officer in the state, had handed over information about those registered voters to the Texas attorney general, which has the jurisdiction to prosecute them for felony crimes.

So as Anchia sat at the end of his green, glass-topped conference table, he wanted to know: Did Whitley know for sure that any of the names on his list had committed crimes by voting as noncitizens?

"No," Whitley answered, according to Anchia.

"And I said, 'Well, isn't it the protocol that you investigate and, if you find facts, you turn it over to the AG?'"

"I do not have an answer for that," Whitley responded, according to Anchia's recollection of the Monday meeting.

By then, Whitley's press release had already been signal-boosted by top Republican officials — including President Donald Trump — who slapped on unsubstantiated claims of voter fraud and illegal voter registration and pointed to it as proof that voter rolls needed to be purged.

And county election officials across the state had gone to work parsing through the records of thousands of registered voters whose citizenship status the state now said they should consider verifying. Some coun

ties were even in the process of sending letters to voters ordering them to prove they were citizens.

Soon after, the citizenship review effort would buckle. The secretary of state's office would eventually walk back its initial findings after embarrassing errors in the data revealed that tens of thousands of the voters the state flagged were actually citizens. At least one lawsuit would be filed to halt the review, and others were likely in the pipeline. And a week into the review, no evidence of large-scale voter fraud would emerge.

But at their Monday meeting, Whitley argued that his office was following the normal course of upkeep of the voter rolls. That didn't make Anchia — who chairs the Texas House's Mexican-American Legislative Caucus — feel much better.

"What they have set in motion is going to disenfranchise U.S. citizens and it's going to infringe on their right to vote," he said days later. "The damage that this is doing ... to legitimate U.S. voters is substantial."

### 'LAWFUL PRESENCE LIST'

The citizenship check effort went public this week, but the seeds for it were planted in 2013. That year, Texas lawmakers quietly passed a law granting the secretary of state's office access to personal information maintained by the Department of Public Safety.

During legislative hearings at the time, Keith Ingram, director of elections for the secretary of state's office, told lawmakers that the information would help his office verify the voter rolls. The state had had a recent misstep when it tried to remove dead people from the rolls and ended up sending "potential deceased" notices to Texans who were still alive.

One of the DPS records the secretary of state's office was granted access to under the 2013 law was a list of people who had turned in documentation — such as a green card or a work visa — that indicated they weren't citizens when they obtained a driver's license or a state ID card.

But it appears that the secretary of state's office held off for years before comparing that list with its list of registered voters. Former Secretary of State Carlos Cascos, a self-proclaimed skeptic of Republican claims of rampant voter fraud, said he had no memory of even considering using the DPS data when he served from 2015 to 2017.

And there was reason to be careful with the "lawful presence list." Driver's licenses don't have to be renewed for several years. In between renewals, Texans aren't required to notify DPS about a change in citizenship status. That means many of the people on the list could have become citizens and registered to vote without DPS knowing.

Other states learned the hard way that basing similar checks on driver's license data was risky.

In 2012, Florida officials drew up a list of about 180,000 possible noncitizens. It was later culled to about 2,600 names, but even then that data was found to include errors. Ultimately, only about 85 voters were nixed from the rolls.

Around the same time, officials in Colorado started with a list of 11,805 individuals on the voter rolls who they said were noncitizens when they got their driver's licenses. In the end, state officials said they had found about 141 noncitizens on the rolls — 35 of whom had a voting history — but that those still needed to be verified by local election officials.

But it was under the helm of former Secretary of State Rolando Pablos, who took over in 2017, that Texas began processing the DPS list. That happened even though at least some people in the office knew the risk.

Officials in the secretary of state's office early last year told The Texas Tribune that similar checks in other states using driver's license data had run into issues with naturalized citizens. Pablos didn't respond to requests for comment.

Still, on Dec. 5, Betsy Schonhoff, voter registration manager for the secretary of state's office, told local officials that her office had been working with DPS "this past year" to "evaluate information regarding individuals identified by DPS to not be citizens."

In a mass email sent to Texas counties — and obtained by the Tribune — Schonhoff informed them that the secretary of state's office would be obtaining additional information from DPS in monthly files and sending out lists of matches starting in mid-January.

The next day, Pablos announced he would resign after two years in office. In his place, Republican Gov. Greg Abbott appointed Whitley, a longtime Abbott aide who at the time served as the governor's deputy chief of staff.

#### 'VOTER FRAUD ALERT'

On Jan. 25, Williamson County Elections Administrator Chris Davis had just wrapped up a staff retreat when he got back to his office in Georgetown. By then, news of the state's list of 95,000 registered voters flagged for review was spreading.

A secretary of state's advisory about the list had landed in his inbox earlier that day, but it didn't include any numbers. He knew the reported total of 95,000 likely included naturalized citizens from the get-go.

But misinformation spread quickly. Some of the statements being released about the list were misleading. Others were downright inaccurate. Texas Attorney General Ken Paxton, a Republican, took to Twitter within the hour and prefaced the news with the words "VOTER FRAUD ALERT." At that point, none of the counties had any data to verify.

Also on Twitter, Abbott thanked Paxton and Whitley "for uncovering and investigating this illegal vote registration." Later that afternoon, the Republican Party of Texas sent out a fundraising email with the subject line that read "BREAKING: 95,000 Non-Citizens Registered to Vote?!"

The next day, the president chimed in, claiming on Twitter that "58,000 non-citizens voted in Texas" and adding the unsupported claim that "voter fraud is rampant" across the country.

But when El Paso County's election administrator, Lisa Wise, examined the list of 4,152 names she got from the state on Monday morning, she knew something was wrong. Included on the list was one of her staff members — a naturalized citizen since 2017.

"We had a naturalization party for her," Wise said. "She had gone and gotten her driver's license, I think, four years ago."

The errors didn't end there. By Tuesday morning, secretary of state officials had started calling counties across the state to inform them that they had made a mistake. The office had incorrectly included some voters who had submitted their voting registration applications at DPS offices and who since then had been confirmed to be citizens, county officials said.

Things grew even more confusing for Remi Garza, elections administrator in Cameron County. He had originally received a list with just more than 1,600 people to review. When someone from the secretary of state's office called on Tuesday, Garza was told that weeding out applications labeled as "source code 64" — the code that indicates the origin of the application was a DPS office — would remove "well over" 1,500 names from his list, leaving him with just 30 individuals to investigate.

But his staff was only able to find 300 people whose applications were labeled as such, Garza said. After another call with the secretary of state's office, Garza said he was told that the 1,500 number had also been incorrect. Now, he said he's left with about 85 percent of the

list.

"That's a level of accuracy I'm not comfortable with," Garza said on Tuesday. "We're going to be moving through it very cautiously and slowly. We're talking about the franchise and, I'm not in any way going to jeopardize someone's ability to vote unless I have a very serious concern."

Following the secretary of state's calls, the number of registered voters flagged by the state began to plummet. In Harris County alone, the state's flub translated to about 18,000 voters — about 60 percent of the original list — whose citizenship status shouldn't have been questioned.

In Travis County, officials dropped 634 voters off their original list of 4,558. Dallas County's original list of 9,938 dropped by more than 1,700 voters. In Tarrant County, it was about 1,100 voters cleared from the original 5,800.

The secretary of state's office told the McLennan County elections office to disregard its entire list of 366 voters, the Waco-Tribune Herald reported.

But the state's calls came a day too late in Galveston County, where Cheryl Johnson, who oversees the voter rolls as the county's tax assessor-collector, had already sent off the first batch of "proof of citizenship" letters to voters who were on her initial list of more than 830 people.

'I DON'T EVEN HAVE WORDS'

For the better part of 26 years, Julieta Garibay, a Mexican immigrant, was regularly reminded that she better not vote: "'It's fraud. You would never be allowed to become a citizen.' This was ingrained in my mind."

When she finally took her oath of citizenship in a federal building in San Antonio last April, she let only two days go by before registering to vote in Austin, her adopted hometown. She excitedly cast a ballot last November.

But she's been stewing since last Friday when she heard about the secretary of state's announcement. Garibay last renewed her driver's license in 2017 — before she became a U.S. citizen — so she was sure she was on the list. A Travis County official called her to confirm her suspicions on Wednesday, after Garibay had reached out.

"I think to many of us, especially when the journey has been so long ... [voting] is something so important," Garibay said. "For someone to say you did something wrong when it's your right to do it, I don't even have words."

• Record: 153e0f787d513194a76db24cceeefc61b86f9327

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## Investigation

### A look inside UT Dallas' academic scandal

POLITICS YESTERDAY

# Civil rights group sues Texas over order to investigate potential noncitizen voters with flawed data



James Barragán, State government reporter

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**Updated at 11:50 a.m.:** Revised to include additional information.

AUSTIN — A civil rights group has sued Texas for advising counties to review the citizenship of tens of thousands of eligible voters in the state with flawed data, claiming it violates the voting rights of U.S. citizens and legally registered Texas voters who are foreign-born.

The lawsuit filed by the Mexican American Legal Defense and Educational Fund alleges the state has "singled out for investigation and removal" the names of U.S. citizens who are registered voters because they



being investigated and a rescission of the state's advisory to comb through a list of 98,000 people whom state officials said had potentially voted while not citizens.

### [Abbott sticks by flawed list of non-citizen voters in Texas, says review should continue](#)

The [complaint](#), filed late Friday night in Corpus Christi, names Secretary of State David Whitley, Attorney General Ken Paxton and Gov. Greg Abbott as defendants. It also includes Galveston County Tax Assessor Collector Cheryl Johnson, who serves as that county's voter registrar. The lawsuit alleges that Johnson sent letters to more than 830 people questioning their citizenship.

Officials in the offices of the governor, attorney general and secretary of state did not immediately respond for requests for comment.

The complaint lists multiple individual plaintiffs, including two people from Dallas County, as well as three voting rights advocacy groups. It also has plaintiffs from Harris County, where the state mistakenly placed about 18,000 people on the list for investigation.

"Texas continues to distinguish itself through its aggressive efforts to target legitimate voters and to deter or suppress their participation," Thomas A. Saenz, MALDEF president and general counsel, said in a written statement. "Targeting naturalized citizens is particularly perverse given the high level of participation in voting and civic engagement among those who chose to become United States citizens."

### [Some names in list of 98,000 potential non-citizen voters included 'in error,' county officials say, citing state](#)

Last Friday, Whitley's office sent an advisory to all the counties in the state saying that about 95,000 people who received driver's licenses — while legally in the country, but not U.S. citizens — also appeared on Texas voter rolls. Whitley's office asked Texas counties to investigate the 58,000 people included on that list who also appeared to have voted in one or more elections between 1996 and 2018.

Critics quickly pointed out that the state data didn't appear to account for people who had become naturalized citizens after getting or renewing their driver's licenses with a green card or visa. Immigrants are required to show proof that they're in the U.S. legally to obtain a Texas driver's license or state ID card, but they're not mandated to update DPS on their citizenship status.

[That was the case for the two Dallas County plaintiffs, Maria Yolisma Garcia and Lorena Tule-Romain.](#)

By Wednesday, at least 20,000 people had been taken off the state's list after officials told counties they had been placed there in error and had already proved their citizenship.

### Tens of thousands removed from potential non-citizen voters list after counties find flawed data

Nina Perales, MALDEF's vice president for litigation, said in a statement that targeting naturalized citizens "was a naked attempt to strip minority voters from the rolls," after Latino voter turnout had doubled since the last midterm elections.

The lawsuit also alleges the state's actions harmed the three advocacy organizations that are plaintiffs — Southwest Voter Registration Project, Mi Familia Vota and La Union del Pueblo Entero — because it harms their efforts to register voters by "calling into question the voter registration of naturalized citizens in Texas and discouraging naturalized individuals from registering to vote."

Galveston is the only county whose elections administrator is named in the suit because it was the only one among the counties where one of MALDEF's clients have received a notice asking to review their citizenship. But lawyers for the plaintiffs said they could add more counties to the lawsuit as they learn additional facts.

Many counties across the state refrained from sending out notices of citizenship review until they could sort out the information the state had given them. Some, like Galveston, however, sent notices to people who had already proved their citizenship before the state could alert them of the error.

Bosque County, in Central Texas near Waco, sent out notices earlier in the week. But after receiving corrected information from the state, the county sent out follow-up letters to some people asking them to disregard the initial letter.

"I apologize for any inconvenience these letters have caused you," wrote Crystal Denman, the county's elections administrator.

This is the second lawsuit filed against the state for its advisory to investigate potential noncitizen voters with flawed data. On Tuesday, the League of United Latin American Citizens also filed a federal lawsuit alleging the state was violating the prohibition on voter intimidation in the Voting Rights Act and calling the state's actions a "witch hunt."

## Botched handling of voter rolls does Texas a disservice

*Austin American-Statesman (TX) - February 3, 2019*

- Section: TX Opinion
- Page: A22
- Readability: >12 grade level (Lexile: 1490)

We don't wish to mirror the rush to judgment we saw last week, when state officials and even President Donald Trump recklessly characterized a list of 95,000 suspected noncitizen voters as proof of voter fraud in Texas. County elections officials continue to painstakingly research the thousands of voters flagged by Secretary of State David Whitley's office, and it's possible some of them are noncitizens who should be removed from the voting rolls.

Still, it's clear Whitley's ready-fire-aim approach to this issue has done a disservice to our state and our democracy, stoking fears about an illegal voting phenomenon that experts say is very rare, and risking the disenfranchisement of law-abiding Texans who might miss the one letter giving them 30 days to prove they're a legal voter.

Already we know the list, created using what Whitley's office described in all-caps as a "WEAK" match between databases, erroneously contains more than 20,000 people who are, in fact, U.S. citizens.

The number of citizens wrongly placed on the list include about 18,000 in Harris County, 1,700 in Dallas County, more than 1,000 in Williamson County, at least 600 in Travis County — not to mention all 366 names flagged in McLennan County. We fully expect these numbers to grow as county officials sift through the data compiled so sloppily by the state.

We recognize that protecting the integrity of our elections is paramount. The public's faith in democracy starts with knowing every vote is counted properly — and that includes not having the power of one's vote diluted by illegitimate ones.

But Texas officials have brazenly ignored the other side of that coin: The sanctity of the vote demands the government take utmost care with any effort that could deny the ballot to someone who deserves it. The Secretary of State's office has failed spectacularly on that front.

Whitley's office cross-checked the voter rolls against driver's license records in which the applicants indicated they were not U.S. citizens. It is worth noting these are people in the country legally — often they become naturalized in the following months or years, making their original driver's license application a poor indicator of their current citizenship status.

Rather than further refine the list using federal immigration databases, though, Whitley shipped the suspect data to county elections officials to demand these voters prove their citizenship, and to Attorney General Ken Paxton for possible criminal prosecution. Paxton tweeted about the list Jan. 25 with an all-caps "VOTER FRAUD ALERT."

You'd think Texas officials would be more cautious after a 2012 effort to purge dead voters from the rolls wrongly snared thousands of living, breathing Texans. Other states have had equally messy exercises in voter roll cleanups that looked more like voter suppression efforts.

We suspect making it harder to vote is the point.

Some lawmakers have pointed to Whitley's list as justification for House Bill 378, a measure by Rep. Mike Lang, R-Granbury, that would require people to present proof of citizenship when registering to vote. But such laws, in practice, do more to stymie the registration of legitimate voters, not unlawful ones.

"If you're a noncitizen and here in the U.S., you're going to do everything you can possibly do to be secure and not cause any risk to your family," Brendan Downes, an attorney with the Voting Rights Project of the Lawyers' Committee, told reporters Friday. "You're not going to go and commit a felony (by voting unlawfully) and risk deportation. It just doesn't make sense."

On the other hand, he noted, requiring proof of citizenship creates a massive hindrance on community voter registration drives because people rarely carry their birth certificate or passport with them.

This isn't the right direction for Texas.

Our voter turnout is already among the worst in the nation. Yet, Republican leaders have been more interested in turning voters away for lack of ID, fighting the phantom problem of in-person voter fraud, even though a comprehensive 2014 study published in The Washington Post found just 31 credible instances of impersonation fraud from 2000 to 2014, out of more than 1 billion ballots cast across the country.

As we've argued before, Texas would benefit from cultivating a more engaged electorate — starting with making it easier to register by allowing online voter registration, and making absentee ballots available to every voter who wants one, not a select few.

If Texas officials have proof — not “WEAK” matches — of noncitizens actually voting, they should pursue those individual cases. But the Secretary of State’s list of 95,000 suspected noncitizen voters has proved to be such a flawed fishing expedition, Whitley should rescind it, as a lawsuit and numerous advocacy groups have urged him to do. Any counties that have sent demand letters to flagged voters, and attorneys say at least five counties already have, should halt those efforts.

Yes, only citizens should vote. But all citizens have an inviolable right to do so without facing state roadblocks.

American-Statesman Editorial Board

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- *Record:* 3948697
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# EXHIBIT 9



**Texas Tribune** @TexasTribune · Feb 1

Julie Hilberg, a naturalized citizen from the United Kingdom, found her name yesterday on Texas' list of registered voters flagged for citizenship checks.

Now, she's suing Texas officials to halt citizenship reviews.



**Naturalized citizen, who was flagged in Texas voter citizenship rev...**

Atascosa County resident Julie Hilberg — a naturalized citizen whose registration was flagged by the state — is now joining a lawsuit against to...  
[texastribune.org](http://texastribune.org)

31

362

696



**MichelleMahBell**

@MichelleMahBel1

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Replying to @TexasTribune

I hope she loses her citizenship! If she loved America she would want the people trying to undermine our democracy found!

5:02 PM - 2 Feb 2019

1

1

2







**Texas Tribune** @TexasTribune · Feb 1

Julie Hilberg, a naturalized citizen from the United Kingdom, found her name yesterday on Texas' list of registered voters flagged for citizenship checks.

Now, she's suing Texas officials to halt citizenship reviews.



**Naturalized citizen, who was flagged in Texas voter citizenship rev...**  
Atascosa County resident Julie Hilberg — a naturalized citizen whose registration was flagged by the state — is now joining a lawsuit against to...  
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Hilberg? German...yes their illegal immigrants too! No one exempt from this BS, even if ur white...why are we not Surprised by a law sue

6:18 AM - 2 Feb 2019



# EXHIBIT 10

Dear Voter Registrars/Election Administrators-

On Friday, we issued [Advisory No. 2019-02](#) related to your requirement to conduct list maintenance activities. As you know, list maintenance activities are an ongoing process, and we thank you for your collaboration and feedback thus far. The data we provide to you is the starting point, and your data matches should be reviewed before you send out any Notices of Examination. Many of you have begun working through the lists to determine whether or not you should issue a Notice of Examination to registered voters who were matched to the data requested from DPS. We are working with DPS as part of our ongoing collaboration between the state and the counties to provide additional information to assist you in making your determinations. After speaking to a number of counties, we wanted to share some of the tools and resources that we have found counties are using to help identify potential matches that will not have a Notice of Examination issued.

1. **Review your application files:** Look at the sources you have for the current or previous applications (if available). Any application electronically transmitted from DPS should indicate citizenship was verified by DPS at the time the voter registration application was submitted. Some county voter registrars or VDRs participate in naturalization ceremonies and maintain lists of naturalized citizens or can identify which applications were completed at a naturalization ceremony. Additionally, a voter may have previously been issued a Notice of Examination for citizenship and provided such documentation. If you have that documentation on file, you would not need to issue a new Notice of Examination.
2. **Look to other entities that may have verified citizenship.** As a reminder, under Section 16.033, Texas Election Code, the voter registrar has the right to use any lawful means to investigate whether a registered voter is currently eligible for registration in the county. There are other governmental entities in or around your county that may have verified citizenship. Several counties have informed us that they are reaching out to local immigration offices to determine whether or not they can obtain lists from these sources.

Please note a person may provide proof of citizenship by personal delivery, mail, fax or scanned attachment sent via email.

In addition, several counties have contacted us about receiving public information requests pertaining to Advisory 2019-02 and the data that our office has provided to counties in connection with that advisory. It is our understanding that the Office of the Attorney General ("OAG") believes information related to the advisory, including data provided to the counties by our office and the counties' correspondence with voters, may constitute law enforcement information excepted from disclosure under the Public Information Act (Texas Government Code § 552.108). Information sought in the requests may relate to pending or reasonably anticipated litigation involving the advisory (Texas Government Code § 552.103). If you receive a public information request, please contact your county attorney to request a ruling from the OAG's Open Records Division and to notify any appropriate third parties (including the OAG's Public Information Coordinator at [publicrecords@oag.texas.gov](mailto:publicrecords@oag.texas.gov)) so that these parties may submit their own arguments regarding disclosure to protect the privacy of those involved. For additional questions related to public information requests, please contact the Open Government Section of the OAG at (512) 478-6736 or Toll Free: (877) 673-6839.

Our goal in this process is two-fold: (1) Maintain accurate voter registration rolls by conducting routine list maintenance activities as required by federal law, and (2) Ensure that eligible voters maintain their registration. It is our goal to provide you with the tools necessary to meet both of these goals. The feedback we are getting from you regarding your data is vital to this process. Like many other election and voter registration activities, we are working together on this. We thank you for your feedback and continue to welcome any further feedback so that we can work together to ensure an effective and efficient process of maintaining an accurate list of registered voters going forward.

Keith Ingram  
 Director, Elections Division  
 Office of the Secretary of State  
 800-252-VOTE(8683)  
[www.sos.state.tx.us/elections/index.html](http://www.sos.state.tx.us/elections/index.html)  
**For Voter Related Information, please visit:**

# EXHIBIT 11



February 1, 2019

Secretary David Whitley  
Texas Secretary of State  
P.O. Box 12887  
Austin, TX 78711-2887  
secretary@sos.texas.gov

Re: Notice of Violation of National Voter Registration Act and Demand for Documents

***VIA E-MAIL AND U.S.P.S.***

Dear Secretary Whitley:

The Texas League of United Latin American Citizens, the National League of United Latin American Citizens, and Julie Hilberg, through their undersigned counsel, write to inform you that the voter purge program you announced in Election Advisory No. 2019-02 on January 25, 2019 violates the National Voter Registration Act ("NVRA"). This letter serves as the pre-suit notice required by 52 U.S.C. § 20510(b)(2); if the violation is not remedied within 90 days, we will assert legal claims under the NVRA.

You compiled a list of 95,000 registered voters you contend might not be U.S. citizens because records—in some cases up to twenty-three years old—indicate that they were not citizens at the time they applied for driver licenses or state-issued identification cards. You have advised county Voter Registrars and Elections Administrators to send notices to these registered voters giving them 30 days to prove their citizenship, to cancel the registrations of those who do not submit such proof, and have explained that there "is likely to be law enforcement interest in the data" you submitted to the counties. Although you acknowledge your program resulted in "WEAK" evidence of non-citizenship, you made no effort to determine whether any of

the individuals you identified subsequently became naturalized citizens eligible to vote.<sup>1</sup>

## **I. Texas’s Voter Purge Program Violates the NVRA.**

Texas’s voter purge program violates the NVRA’s requirement that list maintenance programs be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.” 52 U.S.C. § 20507(b)(1). Indeed, a federal court has ruled that a nearly identical program pursued by Florida was unlawful. Florida’s Secretary of State compiled a list of 180,000 registered voters whose driver license applications disclosed that they were non-citizens at the time they applied, and advised county Election Supervisors to provide those registered voters 30 days to prove their citizenship to avoid cancellation of their registration. *See United States v. Florida*, 870 F. Supp. 2d 1346, 1347-48 (N.D. Fla. 2012).

The court explained that there were “major flaws” with this program because “[t]he Secretary compiled the list in a manner certain to include a large number of citizens.” *Id.* at 1347. That was so, the court explained, because over a three-year period, 240,000 Floridians became newly naturalized citizens, while, like in Texas, Florida Driver’s Licenses have a six year renewal period. Thus, the Court found that all 180,000 people on the list could have become naturalized citizens in the time since they initially applied for or last renewed their drivers’ licenses. In other words, the entire 180,000 person list could have consisted of people who were, in fact, properly registered.

The court explained that this program (which the Florida Secretary of State abandoned) violated the NVRA’s requirement that list maintenance activities be uniform and nondiscriminatory:

The Secretary’s methodology made it likely that the properly registered citizens who would be required to respond and provide documentation would be primarily newly naturalized citizens. The program was likely to have a discriminatory impact on these new citizens. And while the Secretary suggests that having to respond to this kind of inquiry is of little import, that is not so. *A state cannot properly impose burdensome demands in a discriminatory manner.*

*Id.* at 1350 (emphasis added)

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<sup>1</sup> Hours after you released your advisory, Attorney General Paxton tweeted a “VOTER FRAUD ALERT” with no caveat about the admittedly “WEAK” evidence. He subsequently issued a press release warning seven times of “fraud” and of “illegal voting,” “crimes against the democratic process,” and “election crimes.” Two days later, President Trump tweeted that “58,000 non-citizens voted in Texas, with 95,000 non-citizens registered to vote,” complaining of “rampant” “voter fraud.” Yet again, this public pronouncement contained no mention of “WEAK” evidence.

The same is true here. Indeed, data from the U.S. Department of Homeland Security show that between 50,000 and 65,000 Texas residents become naturalized citizens every year. Over the most recent six years of data—the lifespan of a Texas driver license—348,552 Texas residents have become newly naturalized citizens.<sup>2</sup> If just 27% of those newly naturalized citizens registered to vote after obtaining a driver license or state-issued identification card, that would suffice to explain your entire 95,000 person “WEAK” match list, putting tens of thousands of eligible voters at risk for being wrongly purged.

The purge program also has a disproportionate effect on newly naturalized citizens of Mexican origin. Mexico is the country of origin for 130,627 of the 348,552 Texas residents who became naturalized citizens over the past six years, and for over 20,000 of the Texas residents who become naturalized citizens each year.<sup>3</sup> Thus, the purge program plainly discriminates against eligible voters based on Mexican origin. It therefore violates Section 2 of the Voting Rights Act, and consequently the NVRA.

Finally, the purge program violates the NVRA’s requirement that the State “ensure that any eligible applicant is registered to vote in an election.” 52 U.S.C. § 20507(a)(1) (emphasis added). Texas may not rely upon stale and flimsy evidence to remove voters whom federal law requires the State to “ensure” remain registered.

## II. Demand for Documents

The NVRA requires that Texas, upon request, produce “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1). We therefore request that the following documents be produced forthwith:

1. The list of all 95,000 registered voters, and all 58,000 voters, your office identified as potential non-citizens;
2. All documents supporting your contention that the registered voters or voters referred to in Request No. 1 were potentially non-citizens;
3. All documents regarding the development, implementation, or announcement of the program described in Election Advisory 2019-02, including drafts of such documents;
4. All advisory or guidance documents, whether formal or informal, provided to county Voter Registrars or Elections Administrators regarding the implementation of Election Advisory 2019-02, including those provided after the release of Election Advisory 2019-02;
5. All communications regarding the development, implementation, or announcement of the program described in Election Advisory 2019-02, including but not limited to:
  - a. internal communications of the Secretary of State’s office;

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<sup>2</sup> See U.S. Dep’t of Homeland Security, *Profiles on Naturalized Citizens*, <https://www.dhs.gov/profiles-naturalized-citizens>.

<sup>3</sup> *Id.*

- b. communications between the Secretary of State's office and other State agencies, including but not limited to the office of the Governor, the office of the Attorney General, and the Department of Public Safety;
- c. communications between the Secretary of State's office and any legislative branch officials or employees;
- d. communications between the Secretary of State's office and any federal officeholder;
- e. communications between the Secretary of State's office and any county officials, including but not limited to Voter Registrars and Elections Administrators;
- f. communications between the Secretary of State's office and any outside consultants, experts, or advisers;
- g. communications between the Secretary of State's office and the media;
- h. communications between the Secretary of State's office and members of the public;
- i. any other communications related to Election Advisory 2019-02.

Please provide the requested documents electronically by email (mgaber@campaignlegal.org) or FTP transfer if available. If any responsive documents or communications are in the possession of the Secretary of State or any employees of the Secretary of State on non-governmental computers, electronic devices, or in paper copy, please include such documents and communications in your production.

\* \* \*

The program announced in Election Advisory 2019-02 plainly violates the NVRA. It also violates Section 2 of the Voting Rights Act and constitutes an unconstitutional, undue burden on the right to vote in violation of the First and Fourteenth Amendments. The irresponsible and inaccurate publicity by the Secretary of State and the Attorney General, in particular, constitutes an unlawful voter intimidation effort prohibited by the Voting Rights Act. Please be advised that if the NVRA violation is not remedied within 90 days, we intend to pursue legal action on that basis.

Sincerely,

/s/ Mark P. Gaber  
Director, Trial Litigation  
Campaign Legal Center  
1411 K Street NW, Suite 1400  
Washington, DC 20005  
(202) 736-2200  
mgaber@campaignlegal.org

/s/ Danielle M. Lang  
Co-Director, Voting Rights and  
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1411 K Street NW, Suite 1400  
Washington, DC 20005  
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cc via email: Keith Ingram, Director of Elections (kingram@sos.texas.gov)  
Adam Bitter, General Counsel (abitter@sos.texas.gov)



# EXHIBIT 12

Texas Department of Public Safety



# Texas Driver Handbook



Driver License Division  
Revised September 2017

This publication is FREE

## Introduction

The Texas Department of Public Safety, Driver License Division, is committed to creating a faster, easier, and friendlier driver license experience and a safer Texas. One step toward achieving these important goals is to continuously improve the *Texas Driver Handbook* by providing you with accurate information on traffic laws, clear images of road signs, examples of common driving situations, and general safety tips. We have also included special tips to emphasize important information you need to know.

Although the *Texas Driver Handbook* has been revised, its primary purpose remains the same: 1) to help you qualify for a Texas driver license, and 2) to help you become a safer driver.

The information contained in this handbook is not an official legal reference to Texas traffic laws. The information provided is only intended to explain applicable federal and state laws you need to understand in order to successfully operate a motor vehicle in Texas. If you would like to know the actual language of any traffic or criminal laws referenced in this handbook, please refer to the Texas Transportation Code and Texas Penal Code.

Once you receive your Texas driver license, keep this handbook as a reference on traffic safety and update it as needed. The Texas Legislature meets every two years and regularly makes changes to traffic laws. For the most current information on driver licensing visit our website at <http://www.dps.texas.gov/DriverLicense/>.

## Contact Us

Please contact us if you have any questions regarding this handbook or if you need additional information.

**Phone Number:** (512) 424-2600

**Customer Support page:** [www.dps.texas.gov/driverlicense/customer\\_service](http://www.dps.texas.gov/driverlicense/customer_service)

**Mailing Address:** Texas Department of Public Safety  
Driver License Division  
PO Box 4087  
Austin, TX 78773-0300

If you prefer, you can contact your local driver license office directly. Please refer to Appendix B in this handbook to locate a driver license office in your area.

If you would like to provide feedback on the information in this handbook visit, [www.survey.utexas.edu/txdps/](http://www.survey.utexas.edu/txdps/).

## ADA Accommodations

If you need to make special arrangements to accommodate a disability prior to visiting a driver license office, you can e-mail us using our secure website at [www.dps.texas.gov/driverlicense/customer\\_service](http://www.dps.texas.gov/driverlicense/customer_service) or call us at (512) 424-2600. Please contact us at least five to seven business days prior to your visit to allow us time to accommodate your request.

If you are in need of assistance but fail to receive reasonable accommodations, you may have grounds for a grievance.

DPS Grievance Procedures can be found in the 37 Texas Administrative Code §1.41, <http://www.sos.texas.gov/tac/> and on our website at [www.dps.texas.gov](http://www.dps.texas.gov).

The Texas Department of Public Safety does not discriminate on the basis of race, color, religion, sex, national origin, age, or disability.



Dear Texas Resident:

Operating a motor vehicle is an important privilege and responsibility for drivers, especially in a state as large as Texas with more than 310,000 miles of public roadways. Tragically, every year in Texas, approximately 3,000 people are killed in traffic crashes and more than 80,000 are seriously injured. Today, more than ever, drivers must avoid distractions in their own vehicle while also staying alert for impaired or unsafe drivers sharing the roadway – failing to do so could have tragic consequences.

The goal of the Texas Department of Public Safety is to provide you with critical safety information about driving in Texas in an effort to keep you, your passengers and other travelers safe on our roadways. Please carefully review and learn the information in this handbook, and always be mindful of the great responsibility that goes with obtaining a driver license and operating a motor vehicle in Texas.

Respectfully,

A handwritten signature in black ink that reads "Steven C. McCraw". The signature is written in a cursive, flowing style.

Steven C. McCraw  
Director  
Texas Department of Public Safety

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## Chapter 1: Your License to Drive

### Who May Drive a Motor Vehicle in Texas?

Individuals who meet the following criteria may drive a motor vehicle in Texas.

#### Residents:

- Texas residents who have a valid Texas driver license
- New Texas residents who are properly licensed have 90 days, after entry into Texas, to secure a Texas driver license
- Any person, while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway is exempt from having a Texas license, unless the vehicle is a commercial motor vehicle

#### Nonresidents:

- Any nonresident who is at least 16 years of age and possesses a valid driver license issued in the nonresident's home state or Canadian province. Nonresidents at least 16 years of age who meet these criteria may drive a vehicle permitted to be operated with a Class C or Class M driver license in Texas
- Nonresidents who are at least 18 years of age may drive any vehicle in Texas if they are legally licensed to drive such a vehicle in their home state or country, and the home state or country grants like recognition (reciprocity) to citizens of Texas

#### Military:

- The driver of an official U.S. or state military service motor vehicle may drive a vehicle without a valid Texas driver license, unless the vehicle is a commercial motor vehicle
- A nonresident on active duty in the U.S. armed forces, the member's spouse, or dependent child who has a valid license issued by his/her home state
- Any person on active military duty who holds a valid driver license issued by the U.S. armed forces in a foreign country may drive a motor vehicle in Texas for 90 days from the date of their return to the U.S.
- Unless a license is suspended, cancelled, revoked or denied, a Texas driver license held by any person who enters or who is in the U.S. armed forces will remain valid as long as the:
  - Service continues; and
  - Person remains absent from Texas and the absence does not exceed 90 days from the date the licensee is honorably separated from service or returns to Texas

**Special Note:**  
 You may not receive a Texas driver license until all valid driver licenses issued are surrendered.

### Types of Texas Driver Licenses

#### Learner License (Instruction Permit)

A learner license, also known as an instruction permit, allows a student driver to legally practice driving when accompanied by a licensed driver. The licensed driver must be at least 21 years of age with at least one year of driving experience, must occupy the seat beside the driver, and cannot be intoxicated, asleep, or engaging in any activity that prevents observation and response to the actions of the driver. A learner license will indicate "Learner License" on the front of the card and expire on the minor's 18th birthday. A person applying for a learner license must:

1. Be at least 15 but no more than 18 years of age
2. Complete the classroom portion of a driver education course, vision exam, and knowledge exam
3. Meet all other requirements for a first time driver license (original) applicant

Table 1: Learner License

Minimum Age	Fee*	Expiration
15 with driver education	\$15 for license + \$1 fee = \$16	For applicants less than 18 years of age the license expires on their 18th birthday..

\*A \$1 administrative fee is included in most transactions. However, if you are completing multiple transactions at the same time either in-person or online then you will only be charged the \$1 administrative fee once. A \$1 administrative fee is not charged for transactions made through the mail.

Applicants 18 years of age and older who wish to legally practice driving are issued a Class C license with the same restrictions as a learner license. The license is generally valid for six years and costs \$24 plus a \$1 administrative fee.

#### Verification of Enrollment and Attendance (VOE) Form

If you are under 18 years of age and applying for your first Texas driver license, learner license, or provisional license, you must provide evidence that you:

1. Have obtained a high school diploma or its equivalent; or

2. Are a student enrolled in a public, private, or home school and attended school for at least 80 days in the fall or spring semester preceding the date of application; or
3. Have been enrolled for at least 45 days and are enrolled at the time of application in a program to prepare individuals to pass the high school equivalency exam.

This information is included on the Verification of Enrollment and Attendance (VOE) form issued by your school. Ask school officials to complete and sign the VOE form. The VOE may not be dated more than 30 days before the date of application for a license during the school year or more than 90 days during the summer. The VOE must be presented to the driver license customer service representative (CSR) when applying for, renewing, or removing permit restrictions from a license.

### Hardship License

A hardship license (previously known as Minor Restricted Driver License or MRDL) may be issued to a minor who establishes the necessity to drive and may have restrictions based on the qualifying hardship.

An application for a hardship license (DL-77) must be executed by an authorized adult on behalf of the minor. Both the adult and the minor must sign the form and present it in person at the driver license office. Only a parent, guardian, or person having custody of a minor may make application on behalf of a minor. If the minor does not have a parent, guardian, or custodian then an employer or county judge may apply on behalf of the minor.

A person applying for a hardship license must:

1. Be at least 15 years of age but not more than 18
2. Complete and pass a driver education course (a driver education course includes both the classroom and behind the wheel phase), vision, knowledge, and driving exams
3. Meet all other requirements for a first time driver license (original) applicant.

For more information, please visit our website, [www.dps.texas.gov/DriverLicense/teenDriver.htm](http://www.dps.texas.gov/DriverLicense/teenDriver.htm).

DPS may require supporting documentation or conduct an investigation to confirm the information provided on the application.

DPS will issue a hardship license if it is determined that:

1. Failure to issue the hardship license will result in an unusual economic hardship for the family of the minor applicant
2. The hardship license is necessary due to an illness, disability, or death of a family member
3. The hardship license is necessary because the minor applicant is enrolled in a vocational education program that requires a license for participation.
4. A court order requiring issuance of the hardship license is presented

### Graduated Driver License (GDL)

Teenagers and young adults have the highest crash rates of all drivers, and motor vehicle crashes are the leading cause of death for U.S. teens. Young drivers make up 6.5 percent of the driving population but are responsible for 13 percent of fatal crashes. The Graduated Driver License (GDL) program eases teens into the driving experience by phasing in driving privileges and minimizing exposure to high-risk situations.

The GDL program applies to driver license applicants under 18 years of age and has contributed to a decrease in fatal crashes in recent years. As a part of this program, all new driver license applicants are required to pass a driving exam conducted at a driver license office or authorized testing facility.

The GDL program consists of two phases. Phase One applies to learner licenses. Phase Two applies to provisional licenses. All drivers less than 18 years of age must meet the licensing requirements for a learner license or provisional license, but they are also subject to additional requirements, including driver education and the GDL program.

**Phase One:** This phase requires applicants under 18 years of age to hold a valid learner, hardship, or combination of learner and hardship license for a minimum of six months prior to the issuance of a provisional license.

If your license is suspended during Phase One, then the initial six-month period is extended by the number of days of the suspension because your license is invalid during the suspension period.

A Texas learner license will be issued to new Texas residents who are at least 15 years of age, present an out-of-state instruction permit, and submit a VOE form. A Texas learner license must be held for six months from the date of issuance before the individual is eligible for Phase Two.

Phase One requirements do not apply to Class M (motorcycle) licenses. Under the GDL program, there is no minimum time a person must hold a restricted motorcycle or moped license before applying for a Class M license.

**Phase Two:** Phase Two restricts the driving privileges of individuals until their 18th birthday following the issuance of a provisional license.

During Phase Two these individuals may not drive a motor vehicle:

1. With more than one passenger in the vehicle under the age of 21 who is not a family member
2. Between midnight and 5:00 a.m. unless the operation of the vehicle is necessary for the driver to work, to attend or participate in a school-related activity, or due to a medical emergency

All drivers who are under 18 years of age are restricted from using a wireless communication device, including a hands-free device, except in case of an emergency.

### **Provisional License**

A provisional license is a driver license issued to persons 16 to 18 years of age that has the Phase Two GDL driving restrictions applied. The license will be marked "PROVISIONAL" and expire on the license holder's 18th birthday. A person applying for a provisional license must:

1. Be at least 16 but not more than 18 years of age
2. Complete and pass a driver education course (a driver education course includes both the classroom and behind the wheel phases), vision, and driving exams
3. Have held a valid learner, hardship, or combination of learner and hardship license for at least six months
4. Meet all other requirements for a renewal driver license applicant

### **Out-of-State License Holders**

Applicants who are at least 15 but less than 18 years of age and present a valid out-of-state instruction permit will be issued a Phase One learner license. Applicants who are at least 16 but less than 18 years of age and present a valid out-of-state driver license will be issued a Phase Two provisional license with passenger and time restrictions after successful completion of the driving exam. Applicants must meet all other requirements for a first time (original) applicant.

All licenses issued to persons less than 21 years of age will be marked "UNDER 21".

## **Classes of Driver Licenses**

Class A, B, C, and M driver licenses are issued to individuals who are exempt or not required to obtain a commercial driver license (CDL). Most non-commercial driver licenses issued to persons 18 years of age and older are valid for six years and cost \$24 (a \$1 administrative fee will be added to in-person or online transactions). Some applicants receive licenses with shorter terms due to restrictions including, but not limited to, verification of lawful presence, sex offender registration requirements, or being 85 years of age or older.

Individuals who operate any of the following vehicles are exempt from obtaining a CDL but may need a Class A or Class B non-commercial driver license because the type of vehicle driven still meets the definition of a commercial motor vehicle. For more information on commercial motor vehicles and requirements for a CDL, please visit our website, <http://www.txdps.state.tx.us/DriverLicense/CommercialLicense.htm> or see the *Texas Commercial Motor Vehicle Drivers Handbook*. You may download the handbook online at <http://www.dps.texas.gov/internetforms/Forms/DL-7C.pdf>.

1. A fire-fighting or emergency vehicle necessary for the preservation of life or property or the execution of emergency governmental functions whether operated by an employee of a political subdivision or by a volunteer fire fighter.
2. A military vehicle or a commercial motor vehicle when operated for military purposes by military personnel, members of the Reserves and National Guard on active duty including personnel on full-time National Guard duty, personnel on part-time training, and National Guard military technicians.
3. A recreational vehicle driven for personal use.
4. A vehicle that is owned, leased, or controlled by an air carrier, and is driven or operated exclusively by an employee of the air carrier only on the premises of an airport, on service roads to which the public does not have access.
5. A vehicle used exclusively to transport seed cotton modules or cotton burs.
6. A vehicle controlled and operated by a farmer:
  - a. Used to transport agricultural products, farm machinery, or farm supplies to or from a farm
  - b. Not used in the operation of a common or contract motor carrier, or
  - c. Used within 150 miles of the person's farm.

### **Class A Driver License**

A Class A driver license permits a person to drive:

1. Any vehicle or combination of vehicles described under a Class B or Class C driver license; and
2. A vehicle or combination of vehicles with a gross combination weight rating (GCWR) of 26,001 lbs. or more, provided the gross vehicle weight rating (GVWR) of the vehicle(s) towed is in excess of 10,000 lbs.

A Class A driver license does not permit a person to drive a motorcycle or moped.

**Table 2: Class A Driver License**

Minimum Age	Fee*	Expiration
18 or older (Applicants 18 to 24 are required to successfully complete an approved driver education course.)	\$24 for license + \$1 fee = \$25	Six years
17 with completion of an approved driver education course	\$15 for license + \$1 fee = \$16	On applicant's next birthday

\*A \$1 administrative fee is included in most transactions. However, if you are completing multiple transactions at the same time either in-person or online then you will only be charged the \$1 administrative fee once. A \$1 administrative fee is not charged for transactions made through the mail.

### Class B Driver License

A Class B driver license permits a person to drive:

1. Any vehicle included in Class C;
2. A single vehicle with a gross vehicle weight rating (GVWR) of 26,001 lbs. or more and any such vehicle towing either a vehicle with a GVWR that does not exceed 10,000 lbs. or a farm trailer with a GVWR that does not exceed 20,000 lbs.; and

A Class B driver license does not permit a person to drive a motorcycle or moped.

**Table 3: Class B Driver License**

Minimum Age	Fee*	Expiration
18 or older (Applicants 18 to 24 are required to successfully complete an approved driver education course.)	\$24 for license + \$1 fee = \$25	Six years
17 with completion of an approved driver education course	\$15 for license + \$1 fee = \$16	On applicant's next birthday

\*A \$1 administrative fee is included in most transactions. However, if you are completing multiple transactions at the same time either in-person or online then you will only be charged the \$1 administrative fee once. A \$1 administrative fee is not charged for transactions made through the mail.

### Class C Driver License

1. A single vehicle or combination of vehicles that are not included in Class A or Class B and
2. A single vehicle with a gross vehicle weight rating (GVWR) of less than 26,001 lbs. towing a trailer not to exceed 10,000 lbs. GVWR or a farm trailer with a GVWR that does not exceed 20,000 lbs.
3. An autocycle, defined as a motor vehicle, other than a tractor, that is:
  - Designed to not have more than three wheels on the ground when moving
  - Equipped with a steering wheel
  - Equipped with seats that do not require the operator to straddle or sit astride the seat
  - Manufactured and certified to comply with federal safety requirements for a motorcycle

A Class C driver license does not permit a person to drive a motorcycle or moped.

**Table 4: Class C Driver License**

Minimum Age	Fee*	Expiration
18 or older (Applicants 18 to 24 are required to successfully complete an approved driver education course.)	\$24 for license + \$1 fee = \$25	Six years
16 with completion of an approved driver education course	\$15 for license + \$1 fee = \$16	On applicant's 18th birthday
15 with the approval of a hardship license	\$ 5 for license + \$1 fee = \$6	On applicant's next birthday

\*A \$1 administrative fee is included in most transactions. However, if you are completing multiple transactions at the same time either in-person or online then you will only be charged the \$1 administrative fee once. A \$1 administrative fee is not charged for transactions made through the mail.

### Class M Driver License

A Class M driver license permits a person to drive a motorcycle or moped. Before applying for a Class M license, you must pass a motorcycle operator training course approved by DPS. Motorcycle training course providers require drivers who are less than 18 years of age to present proof of completion of the classroom phase of a driver education course, hold a learner license (issued after completing the classroom phase of a driver education course), or hold a valid Class C license prior to enrolling in a motorcycle operator training course.

#### Minimum Age

Motorcycle: 16 with completion of the classroom phase of a driver education course (32 hours) and a DPS approved motorcycle operator training course (16 hours).

Moped: 15 years of age with completion of the classroom phase of a driver education course (32 hours) and a DPS approved motorcycle operator training course (16 hours).

Motor-driven cycle of 250 cc or less: 15 years of age with DPS approval for a hardship driver license or completion of the classroom phase of a driver education course (32 hours) and a DPS approved motorcycle operator training course (16 hours).

For more information on Class M driver licenses, please visit our website, <http://www.dps.texas.gov/DriverLicense/motorcycleLicense.htm> or see the *Motorcycle Operator's Manual*. You may download the manual online at <http://www.dps.texas.gov/internetforms/Forms/DL-8.pdf>

Table 5: Class M Driver License

Type	Amount	Expiration
18 and older	\$24 for license + \$1 administrative fee = \$25	Six years
Under 18	\$15 for license + \$1 administrative fee = \$16	On applicant's 18th birthday
Add M	Add M to current license requires a \$15 exam fee + \$1 administrative fee = \$16	Expires with license
Renewal	An additional \$8 is required when renewing a Class M license + \$1 administrative fee = \$9	Expires with license

\*A \$1 administrative fee is included in most transactions. However, if you are completing multiple transactions at the same time either in-person or online then you will only be charged the \$1 administrative fee once. A \$1 administrative fee is not charged for transactions made through the mail.

## Fees and Driver Licenses for Veterans

Veterans who are honorably discharged and receive compensation for a service-related disability of at least 60 percent are exempt from paying driver license and ID card fees. Individuals applying for a CDL or who are required to register as a sex offender are not eligible for this fee exemption. The veteran must meet all other licensing requirements.

### Veteran's Designation on Driver License

DPS offers a "VETERAN" designation on the face of the driver license and identification card (ID) for qualifying veterans. For more information on the veteran designation, visit our website at [www.dps.texas.gov/DriverLicense/vetServices.htm](http://www.dps.texas.gov/DriverLicense/vetServices.htm).

## Identification (ID) Cards

In addition to driver licenses, DPS issues ID cards with a photograph of the applicant. ID cards have a distinguishing number similar to a driver license and are maintained in the driver record file. ID cards are displayed in a vertical format for individuals who are less than 21 years of age and are horizontal for individuals who are 21 years of age and over. Applicants must provide documents in accordance with DPS ID card policy requirements. For a list of acceptable documents to obtain an ID card, visit our website, <http://www.dps.texas.gov/DriverLicense/applyforID.htm>

Table 6: Identification (ID) Cards

Minimum Age	Fee*	Expiration
ID cards can be issued to any person of any age. Anyone under the age of 21 will have "Under 21" printed on the card.	\$15 card + \$1 fee = \$16 (59 or younger)	Six years
	\$5 card + \$1 fee = \$6 (60 or older)	

\*A \$1 administrative fee is included in most transactions. However, if you are completing multiple transactions at the same time either in-person or online then you will only be charged the \$1 administrative fee once. A \$1 administrative fee is not charged for transactions made through the mail.

## Medical and Emergency Information

On the reverse side of the card, state law requires DPS to print the statement "**Directive to physician has been filed at telephone #**" and "**Emergency contact number**". Space is provided on the surface for the license holder to write a telephone number and a box to the left of the statement to indicate why the telephone number is provided.

Space is also provided on the back of the card to allow individuals to voluntarily list health conditions which may impede communication with a peace officer.

Additionally, an application for an original, renewal or replacement driver license or ID includes the option to provide the name, address and telephone number of two individuals who may be contacted in the event of injury or death of the applicant.

### Allergic Reaction to Drugs

DPS does not print medical information on driver licenses or ID cards. To add medical information to the back of your driver license or ID card, use a permanent ink pen and write the following information:

1. Name of your physician
2. Emergency contact number
3. Name of medication that may cause an allergic reaction

## Organ Donation

DPS offers “Donate Life Texas” pamphlets to any person who visits a driver license office. The pamphlets provide general information on the Donate Life Texas program. If you choose to be an organ donor, a small red heart with the word “donor” will be printed in the lower right corner on the front of the card. Cards that indicate a person’s wish to be a donor shall be conclusive evidence of a decedent’s status as a donor and serve as consent for organ, tissue, and eye donation. You can register to be an organ, tissue, and eye donor online at [www.DonateLifeTexas.org](http://www.DonateLifeTexas.org).

## Voluntary Contributions

If you are applying for an original or renewal driver license or ID card, you can voluntarily make a monetary contribution to the following programs:

1. The Blindness Education, Screening, and Treatment Program administered by the Texas Commission for the Blind, which provides screening and treatment for those individuals who are without adequate medical coverage.
2. The Glenda Dawson Donate Life Texas Program, which manages the donor registry and statewide donor education projects.
3. The Veteran’s Assistance Fund, which provides grants to local government and nonprofit organizations to enhance or improve veteran assistance programs that address the needs of veterans and their families.

## How to Obtain a Texas Driver License

If you are applying for a Texas driver license, you must comply with the following procedures.

### Applying for a Texas Driver License

An application for a driver license must be made in person. You can obtain an application at any driver license office or download an application from our website at [www.dps.texas.gov/DriverLicense/ApplyforLicense.htm](http://www.dps.texas.gov/DriverLicense/ApplyforLicense.htm).

All in-office applicants are provided an opportunity to complete a voter registration application.

All men 18-25 years of age who are U.S. citizens or immigrants are automatically registered for selective service upon issuance of an ID card or driver license.

### Required Documents and Application Information

To apply for a Texas driver license, you must provide the following documents and information.

1. Your full name, proof of residential address, mailing address, current county of residence, place of birth, and date of birth
2. Identification documents
3. Social security card or other acceptable evidence of a social security number
4. Thumb or index fingerprints
5. Physical description
6. Answer the medical status and history questions listed on the application. Individuals with certain medical limitations may have their cases reviewed by the Medical Advisory Board (MAB) before the license is issued
7. Surrender any valid out-of-state driver license
8. U.S. citizenship status or lawful presence

For additional information and lists of acceptable documents, visit our website, [www.dps.texas.gov/DriverLicense/ApplyforLicense.htm](http://www.dps.texas.gov/DriverLicense/ApplyforLicense.htm).

### Driver Record

A complete record of all your examinations will be recorded on your application and scanned into the Driver License System where it becomes a part of your permanent driving record. Any convictions for moving traffic violations or crashes, including out of state records of convictions, will be recorded as part of your permanent driving record. To find out more information on driver records and how to obtain a copy of your record, visit <http://www.dps.texas.gov/DriverLicense/driverrecords.htm>.

### Evidence of Financial Responsibility (Vehicle Insurance)

When applying for an original driver license, you must provide evidence of financial responsibility or a statement that you do not own a motor vehicle that requires the maintenance of financial responsibility.

Evidence of financial responsibility must meet at least the minimum amount required by Texas and cover each motor vehicle the applicant owns that requires maintenance of financial responsibility.

### Vehicle Registration

When surrendering an out-of-state driver license, a new Texas resident must submit, with a driver license application, evidence that each motor vehicle owned by the person is currently registered in Texas, or indicate they do not own a motor vehicle required to be registered. A registration receipt issued by the county tax assessor-collector of the county in which the new resident resides is satisfactory evidence that your motor vehicle has been registered in Texas.



## Fees

The required fee(s) must be submitted before any exams will be given for an original Texas driver license. An additional \$1 administrative fee is included in most transactions. However, if you are completing multiple transactions at the same time, either in-person or online, you will only be charged the \$1 administrative fee once. A \$1 administrative fee is not charged for transactions made through the mail.

For more information on all fees, refer to Appendix D of this handbook or visit our website, <http://www.txdps.state.tx.us/DriverLicense/fees.htm>.

## Driver Education

Individuals less than 25 years of age are required to successfully complete an approved driver education course. For more information on licensing requirements for applicants less than 25 years of age, visit our website at [www.dps.texas.gov/DriverLicense/ApplyforLicense.htm](http://www.dps.texas.gov/DriverLicense/ApplyforLicense.htm).

### Impact Texas Teen Drivers (ITTD)

Beginning September 1, 2015, an applicant must complete the Impact Texas Teen Drivers (ITTD) program if he or she completes a teen driver education course, is issued a certificate of completion (DE-964), and takes the driving exam on or after that date.

For more information visit the ITTD website, <https://impacttexasdrivers.dps.texas.gov>



## Minors

If you are less than 18 years of age, your application must be signed, under oath, by the parent or guardian with custody. If there is not a guardian, your employer or county judge may sign the application. The person who signs may ask DPS to cancel your license any time before your 18th birthday. This request must be in writing and sworn to before an officer authorized to administer oaths. In addition, the minor applicant and cosigner must acknowledge receipt of information that explains the zero tolerance law. See *Chapter 10: Alcohol and Drugs Impact on the Driving Ability* for more information.

## Examinations

Before any exams are given, you must pay the required fee. Your picture will be taken and you will be given a payment receipt. If you do not pass the knowledge and driving exams on your first attempt, your application will be held for 90 days. After 90 days or three failed exams, a new application and fee will be required.

The knowledge and driving exams are not required for applicants 18 years of age and older who surrender a valid out-of-state license. After you have passed all applicable exams you will be issued a temporary license, which you may use for 45 days or until you receive your permanent license in the mail. If you do not receive your license in 45 days, contact our customer service center at (512) 424-2600 or [www.dps.texas.gov/DriverLicense/customer\\_service/](http://www.dps.texas.gov/DriverLicense/customer_service/).

### Part 1: The Knowledge exam

As part of the *Less Tears More Years Act*, all applicants less than 25 years of age are required to take a driver education course to apply for a driver license. Upon successful completion of certain courses, the person is not required to take the Class C knowledge exam, also known as the written exam.

There are three types of knowledge exams.

1. Class C – Knowledge exam for all original applicants
2. Class M – Motorcycle road rules for motorcycle. This exam is also required for all moped license applicants. The exam for all other Class M applicants is waived if you successfully complete a motorcycle operator training course and present proof of completion.
3. Class A or Class B – Rules exam for operators of Class A and Class B vehicles

You need a grade of 70 percent or better to pass any knowledge exam.

### Part 2: The Vision Examination

Your vision will be examined when you are at the driver license office. Depending on the results, you may be required to wear corrective lenses while driving if the lenses improve your vision and help increase the safety of your driving. If the results are inconclusive, you may be referred to your doctor.

### Part 3: The Driving Exam

The driving exam is given only after all other exams are passed and evidence of financial responsibility is presented or the vehicle is exempt under the Texas Motor Vehicle Safety Responsibility Act. The type of vehicle used for the driving exam must match the class of license on the application. No one less than 18 years of age is exempt from taking the driving exam.

Individuals may take a driving exam at a driver license office or through a third party skills testing (TPST) school. The TPST program started September 1, 2014. The program permits certain schools to administer the non-commercial driving exam. Individuals who take and pass the driving exam through an approved TPST school must present the sealed envelope prepared by the TPST school in order for the exam to be waived at the driver license office.

Individuals who complete the DPS-approved motorcycle operator training course are not required to take a driving exam for a Class M license if the person already has a valid, unrestricted Texas license. Individuals less than 18 years of age must pass the motorcycle driving exam.

Additionally, the driving exam is not required for anyone applying for a learner license.

A \$10 exam fee is required when changing from a lower to a higher class license or when removing restrictions from a license. The cost of adding a Class M to an existing license is \$15.

#### Description of the Driving Exam

During the driving exam, you will not be asked to do anything illegal. You must follow all of the instructions given by the customer service representative (CSR). Do not carry on a conversation during the driving exam.

If you are not eligible to drive in Texas, a licensed driver must drive the car to the driver license office and exam area. If you are not issued a driver license then the licensed driver should also drive you away from the driver license office.

Upon completion of the driving exam, the CSR will explain all driving errors and let you know how to correct those errors.

Your application for a license will not be approved if you:

1. Violate the law
2. Refuse to follow instructions
3. Drive dangerously or have a crash
4. Have more than 30 points deducted on the driving exam

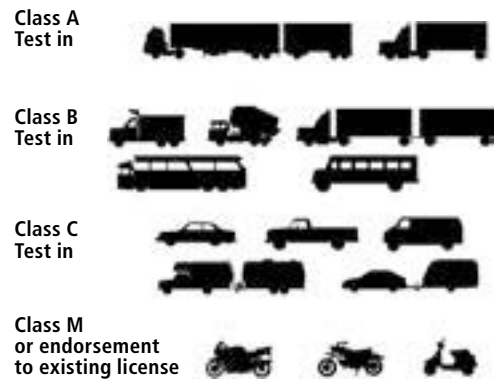
All drivers are graded on four basic skills, regardless of the type of driving exam.

1. Control – Your ability to make your car do what you want it to do
2. Observation – Your ability to see what other traffic is doing and other things that may create problems in traffic
3. Positioning – Your ability to drive in your lane
4. Signaling – Your ability to use turn signals as required

You may be graded on your performance on the following skills so it is good to practice before taking the driving exam.

- a. Parallel parking (you may use the back-up camera on your vehicle for parallel parking; however, the use of an automated vehicle parking function will not be allowed)
- b. Quick stop – You may be asked to stop your car as quickly as possible at about 20 mph without skidding your tires
- c. Backing – Your ability to back the car for a distance of about 60 feet at a slow rate of speed and as straight and smoothly as possible. Turn and look back at all times while backing or you may use the back-up camera and mirrors on your vehicle while backing; however, the use of an automated vehicle parking function will not be allowed
- d. Stop signs
- e. Traffic signals
- f. Use of clutch – On standard transmissions, hold the clutch all the way down when starting the motor, shifting gears, when stopping, and once your speed drops below 10 mph. Do not drive with your foot resting on the clutch
- g. Intersection observance – Use the proper lane; slow down and look both ways before entering the intersection
- h. Turns
- i. Right-of-way

#### Examples of Vehicles for Driving Exam



- j. Following, passing, and proper lane observance
- k. Posture – Keep hands on steering wheel; don't rest your elbow on the window

### Pass or Fail Driving Exam

If you do not pass the driving exam, you will need to schedule time for another driving exam. If you pass the driving exam, always carry your license with you when driving and upon request, show it to:

1. Any peace officer, sheriff, constable, judge, justice of the peace, or state trooper
2. Anyone with whom you are involved in a crash

### Penalties for Driving Without a License

During a stop, a law enforcement officer will determine if you have a valid driver license as required.

**Table 7: Penalties for Driving Without a License**

Conviction	Penalty*
1st conviction	A fine of up to \$200.
2nd conviction in one year	A fine of \$25 to \$200.
Driving without a license, operating a vehicle without insurance at the time of the offense, and driver causes a crash resulting in serious bodily injury or death	Class A misdemeanor punishable by a fine up to \$4,000 and/or confinement in jail for not more than 365 days.

\*Additional suspensions and surcharges may apply.

### Restrictions Placed on a License

A restriction may be placed on your license. This is not meant to interfere with your driving but to make you a better driver. Following is a complete list of the restriction codes. This information is also available on our website at <http://www.txdps.state.tx.us/DriverLicense/endsrRestrictions.htm>.

**Table 8: Restriction Codes**

Code	Description	Code	Description
A	With corrective lenses	P1	For Class M TRC 454.424 until MM/DD/YY
B	Licensed operator front seat 21 or over	P2	To/from work/school
C	Daytime only	P3	To/from work
D	Not to exceed 45 mph	P4	To/from school
E	No manual transmission equipped CMV	P5	To/from work/school or LOFS 21 or over
F	Must hold valid learner license to MM/DD/YY	P6	To/from work or LOFS 21 or over
G	TRC 545.424 applies until MM/DD/YY	P7	To/from school or LOFS 21 or over
H	Vehicle not to exceed 26,000 lbs GVWR	P8	With telescopic lens
I	Motorcycle not to exceed 250cc	P9	LOFS 21 or over bus only
J	Licensed motorcycle operator 21 or over in sight	P10	LOFS 21 or over school bus only
K	CDL/CLP Intrastate commerce only	P11	Bus not to exceed 26,000 lbs GVWR
L	No airbrake equipped CMV	P12	Passenger CMV restrict to Class C only
M	No Class A passenger vehicle	P13	LOFS 21 or over in vehicle equipped w/ airbrake
N	No Class A or B passenger vehicle	P14	Operation Class B exempt vehicle authorized
O	No tractor trailer CMV	P15	Operation Class A exempt vehicle authorized
Q	LOFS 21 or over, vehicle above Class B	P16	If CMV, school buses interstate
R	LOFS 21 or over, vehicle above Class C	P17	If CMV, government vehicle interstate
S	Outside rearview mirror or hearing aid	P18	If CMV, only transport personal property (interstate)
T	Automatic transmission	P19	If CMV, only transport corpse/sick/injured (interstate)
U	Applicable prosthetic devices	P20	If CMV, privately transport passengers (interstate)
V	Medical Variance documentation required	P21	If CMV, fire/rescue (interstate)
W	Power steering	P22	If CMV, intra-city zone drivers (interstate)
X	No cargo in CMV tank vehicle	P23	If CMV, custom harvesting (interstate)
Y	Valid Texas vision or limb waiver required	P24	If CMV, transporting bees/hives (interstate)
Z	No full airbrake equipped	P25	If CMV, use in oil/water well service/drill

Code	Description	Code	Description
P26	If CMV, for operation of mobile crane	P34	No expressway driving
P27	HME expiration date MM/DD/YY	P36	Moped
P28	FRSI CDL valid MM/DD/YY to MM/DD/YY	P37	Occupational license (no CMV); see court order
P29	FRSI CDL MM/DD/YY - MM/DD/YY or exempt B vehicles	P38	Applicable vehicle devices
P30	FRSI CDL MM/DD/YY - MM/DD/YY or exempt A vehicles	P39	Ignition interlock required
P31	Class C only: no taxi/bus/emergency vehicle	P40	Vehicle not to exceed Class C
P32	Other		

### Removing or Adding Restrictions

Visit your local driver license office for more information concerning the removal or addition of any restrictions from your driver license or learner license.

### Replacement (Duplicate) or Change of a Driver License or ID Card

You should apply for a replacement license or ID card at your local driver license office if your license or ID card has been lost or destroyed, or for any change in information. Please bring the required application (DL-43) and documents to verify your citizenship and identity. For more information on acceptable documents, visit our website at [www.dps.texas.gov/DriverLicense/](http://www.dps.texas.gov/DriverLicense/).

A change of name or address must be reported to DPS within 30 days. A license expiring in less than 12 months, or in less than 30 days for a provisional license, should be renewed not duplicated.

Fee (replacement or change of license): \$10 for license + \$1 fee for transactions made in-person or online = \$11

To change your name, you must apply in-person at any driver license office and bring the required documents. For more information visit our website at [www.dps.texas.gov/DriverLicense/](http://www.dps.texas.gov/DriverLicense/).

To change the address on your Texas driver license or ID card you can visit any driver license office. You may also apply online at [www.dps.texas.gov/DriverLicense/](http://www.dps.texas.gov/DriverLicense/) (you must have your card in your possession to apply online), by phone at 1-866-DL-RENEW or mail an Application for Change of Address Certificate (DL-64). If you do not have the required DL-64, you can download one from our website at [www.dps.texas.gov/InternetForms/](http://www.dps.texas.gov/InternetForms/).

**Mailing Address:** Texas Department of Public Safety  
License and Record Service  
PO Box 149008  
Austin, TX 78714-9008

Upon receipt of a \$10 fee and proper notification, a new license or ID card with the correct address information, with your previous photograph or valid without photo, will be mailed to you.

### Out-of-State Licensees

If you are out-of-state but maintaining a Texas driver license, you may apply for a duplicate license by mail. Download the Out-of-State Packet (DL-16P) or Out-of-Country Application (DL-16) from the website, <http://www.dps.texas.gov/internetforms/>. Complete and submit the required application with a \$10 fee to:

**Mailing Address:** Texas Department of Public Safety  
License and Record Service  
PO Box 149008  
Austin, TX 78714-9008

NOTE: Some driver licenses are not eligible for online, phone or mail-in transactions. These include CDLs, limited term, sex offender and licenses issued to persons 79 years of age and older.

### Renewing a License

A renewal notice invitation may be mailed to the last address you provided to DPS about six weeks before your license expires. If you do not receive this courtesy notice, it is your responsibility to renew your license.

### Application for Renewal

A Texas driver license must be renewed every six years. A renewal application must be made in person at any driver license office unless you are eligible to renew online at [www.dps.texas.gov/DriverLicense/](http://www.dps.texas.gov/DriverLicense/), by mail, or by phone at 1-866-DL-RENEW. To check your eligibility to renew, visit us online or call the number provided.

A person must appear in a driver license office at least once every twelve (12) years for a vision exam and to update the photo, signature and fingerprints. Some of our larger office locations offer the ability to get in line on-line. Please check the website at [www.dps.texas.gov/DriverLicense/](http://www.dps.texas.gov/DriverLicense/) to find out if this service is available at a location near you.

Alternate methods to renew will not be extended to:

1. Any person whose license is suspended, cancelled, revoked, or denied
2. Commercial driver license (CDL) holders
3. Holders of an occupational license, provisional license, or learner license
4. Licensees restricted because of driving ability or a medical condition that requires periodic reviews, including any medical or physical condition which may result in progressive changes to a licensee's ability to safely drive a motor vehicle
5. Driver license or ID card holders who are subject to sex offender
6. Driver license holders who are 79 years of age or older
7. Driver license holders who do not have a social security number or photo on file
8. Non-U.S. citizens, due to a verification process

When you are at the driver license office you will be asked questions concerning your medical history. If you have certain medical limitations, your case may be referred to the Medical Advisory Board (MAB) for their opinion about how your condition may affect your driving. For more information on MAB, visit our website at <http://www.dps.texas.gov/driverlicense/MedicalRevocation.htm>

### Individuals Returning to Texas from Military Service

Within 90 days of being honorably discharged, military personnel returning from duty must present a Texas driver license and separation papers to obtain a renewal license without taking the knowledge and driving exams when the license has been expired for over two years.

### Out-of-State Texas Licensees

Eligible individuals who do not currently reside in Texas but whose true, permanent home is in Texas may mail in their application for renewal. Download the Out-of-State Packet (DL-16P) or Out-of-Country Application (DL-16) from the website, <http://www.dps.texas.gov/internetforms>. The following individuals who are out-of-state are not eligible to renew by mail and must renew in-person.

1. A person subject to sex offender registration requirements
2. A person 79 years of age or older
3. A person holding a commercial driver license (CDL)
4. A person who is not a U.S. citizen

The proper fee and the results of your vision exam, performed by an eye specialist or an authorized driver license employee, must be included with your application. The license will be renewed and will be valid to expiration date shown or until 45 days after return to Texas, whichever comes first.

Make check or money order made payable to: TX DPS. Do not send cash. Mail to:

**Mailing Address:** Texas Department of Public Safety  
Central Cash Receiving  
PO Box 15999  
Austin, TX 78761-5999

## Suspensions and Revocations

Operating a motor vehicle is a privilege. If this privilege is abused, it may result in a driver license suspension or revocation.

Mandatory suspensions, revocations, and convictions for certain offenses involving fraudulent government records require an additional \$100 reinstatement fee. Administrative License Revocations (ALR) require an additional \$125 reinstatement fee. Some mandatory suspensions also require filing a *Financial Responsibility Insurance Certificate* (SR-22).

### Mandatory Suspension

Convictions for the following offenses will result in the automatic suspension of your license and driving privilege. For minors, see the *Suspensions and Revocations (Under 21)* section in this chapter.

1. Driving while intoxicated (DWI) by use of alcohol or drugs
2. Drug offense
3. Intoxication manslaughter or intoxication assault
4. Failure to stop and render aid
5. Causing the death or serious injury of anyone while operating a motor vehicle; involuntary manslaughter
6. Any offense punishable as a felony under the motor vehicle laws of Texas
7. Overtaking and passing a school bus (subsequent conviction)
8. Boating while intoxicated
9. Evading arrest
10. Driving while license invalid
11. Altered/unlawful use of a driver license
12. Displaying or possessing a fictitious or altered driver license or ID card
13. Lending a driver license or ID card to someone
14. Possessing more than one valid driver license or ID card
15. Providing false information or documents when applying for a driver license
16. Making, selling, or possessing a document deceptively similar to a driver license or ID card issued by DPS
17. Graffiti
18. Fictitious license plate, registration certificate, or safety inspection sticker
19. Fraudulent government records
20. Racing a motor vehicle on a public highway or street

#### **Administrative Suspensions and Revocations**

DPS has the authority to suspend or revoke a driver license or privilege of any driver, after an opportunity for a proper hearing, for any of the reasons listed below. A reinstatement fee is required for all discretionary suspensions and revocations.

1. Driving while license invalid
2. Causing a serious crash while driving a motor vehicle
3. Becoming incompetent to drive
4. Repeated violations of traffic laws, including:
  - a. Four or more traffic convictions occurring separately within any 12-month period or
  - b. Seven or more traffic convictions within any 24-month period
5. Failure to complete a drug education program as required upon conviction of a drug offense
6. Failure to provide medical information when requested
7. Failure to take or pass a test when requested
8. Fleeing or attempting to flee from a law enforcement officer
9. Person has committed an offense in another state, which if committed in this state would be grounds for suspension or revocation
10. Fail to stop for a school bus (second conviction)
11. Violates a probation order set by a previous hearing

#### **Suspensions and Revocations (Under 21)**

Convictions or failure to comply with the following offenses will result in automatic suspension of the driving privilege of individuals who are less than 21 years of age (See Administrative License Revocation (ALR) section for more suspension information regarding minors.)

#### **Alcoholic Beverage Code Offenses**

1. Minor in possession
2. Attempt to purchase alcohol by a minor
3. Purchase of alcohol by a minor
4. Consumption of alcohol by a minor



5. Misrepresentation of age by a minor
6. Driving or operating a watercraft under the influence of alcohol by a minor
7. Failure to complete an alcohol awareness class

#### **Health and Safety Code Violations**

1. Failure to complete a tobacco awareness class when required
2. Drug offense
3. An offense under the Controlled Substance Act
4. A felony under Chapter 481 that is not a drug offense

#### **Family Code Violations**

1. Delinquent conduct by a minor or juvenile
2. Truancy

#### **Suspend or Revoke After Hearing of Minor**

DPS has the authority to suspend or revoke the license or driving privilege of a minor after a proper hearing, for:

1. A juvenile court order
2. Failure to pay a fine or juvenile contempt, and
3. Two or more traffic convictions occurring separately within any 12-month period for a driver who is less than 18 years of age

#### **Administrative License Revocation (ALR)**

The Administrative License Revocation (ALR) law provides an administrative penalty for driving while intoxicated. A \$125 reinstatement fee is required for all ALR suspensions.

DPS is authorized to suspend a license or driving privilege:

1. For individuals who are over 21 years of age who fail a breath or blood test (the blood alcohol content indicates a level of 0.08 or more)
2. Of any person who refuses to submit to a breath or blood test, or
3. For individuals who are under 21 years of age for any detectable amount of alcohol

#### **Cancellations**

DPS is authorized to cancel the driver license or ID card of individuals who do not meet certain qualifications. The following types of cases require cancellation of a driver license or ID card:

1. Suspension and revocation action from another state
2. Parental authorization withdrawn (for individuals who are under 18 years of age)
3. Failure to give the required information on the application for the license or ID card
4. Person is not entitled to the license or ID card
5. Incomplete driver education
6. Voluntary surrender for medical or insurance purposes
7. False statement on an application for a license or ID card

#### **Court-Ordered Suspensions, Revocations, and Cancellations**

Upon receipt of a court order, DPS will suspend, revoke, or cancel a license or driving privilege for:

1. Delinquent child support
2. Requirement for an ignition interlock device (see [www.dps.texas.gov/DriverLicense/IgnitionInterlock.htm](http://www.dps.texas.gov/DriverLicense/IgnitionInterlock.htm) for more information)
3. Failure to repay any overpayment of food stamps or financial assistance
4. Mentally incapacitated
5. Chemically dependent
6. Failure to renew their license annually as required (classified sex offender)

## Denials

DPS is authorized to deny the issuance of a driver license to a person who is ineligible to receive a license in this state. An applicant may be denied a driver license for:

1. Suspension/revocation/cancellation/disqualification status in Texas, another state, or Canadian Province
2. Physical or mental incapacity preventing the safe operation of a motor vehicle
3. Acquiring motor vehicle fuel without payment
4. Certain criminal mischief (i.e. graffiti, etc.)
5. Purchasing or furnishing alcohol to a minor
6. Delinquent child support
7. Failure to pay reinstatement fees
8. Failure to appear or failure to pay for certain violations
9. Drug offense

**Special Note:**  
DPS may deny the renewal of a driver license of a Texas licensee who fails to appear in court for traffic violations or certain other offenses within the jurisdiction of any court listed in Chapter 4 of the Code of Criminal Procedures.

## Driving While License Invalid (DWLI)

Individuals who drive a motor vehicle while their driver license is suspended, revoked, denied, or cancelled are subject to suspensions and criminal penalties. The penalties for driving a motor vehicle while your license is invalid are listed below.

**Table 9: Penalties for Driving While License Invalid (DWLI)**

Offense	Penalty
Driving a motor vehicle while driver license or privilege is suspended, cancelled, denied, or revoked.	Class C misdemeanor, punishable by a fine of up to \$500.
The person has a previous conviction for the same offense, was operating a vehicle without insurance at the time of the offense, or the person's license had been suspended because of an offense involving operating a motor vehicle while intoxicated.	Class B misdemeanor, punishable by a fine of up to \$2,000 and/or confinement in jail for not more than 180 days.
The person was operating a vehicle without insurance at the time of the offense and caused a crash which resulted in serious bodily injury or death of another. The suspension will automatically be extended.	Class A misdemeanor, punishable by a fine of up to \$4,000 and/or confinement in jail for not more than 365 days.

## Penalties for Non-Driving Alcohol-Related Offenses by Minors

The Zero Tolerance law provides penalties for minors who commit non-driving alcohol related offenses. A minor may not purchase, attempt to purchase, falsely state he/she is 21 years of age or older, or present a document indicating he/she is 21 years of age or older to a person engaged in selling or serving alcoholic beverages. A minor may not consume, or possess an alcoholic beverage. The penalties for non-driving alcohol-related offenses for minors are listed below.

**Table 10: Penalties for Non-Driving Alcohol-Related Offenses - Minors**

Offense	Penalty
1st offense	Class C misdemeanor punishable by a fine of up to \$500, 8 to 12 hours of community service, and mandatory alcohol awareness course attendance. The driver license will be suspended (or privilege will be denied if not licensed) for 30 days.
2nd offense	Class C misdemeanor punishable by a fine up to \$500, 20 to 40 hours of community service, and the minor may be required to attend an alcohol awareness course. The driver license will be suspended (or privilege will be denied if not licensed) for 60 days.
3rd offense (At least 17 years of age but less than 21)	Class B misdemeanor punishable by a fine of \$250 to \$2,000; minor may also be required to attend an alcohol awareness course. The driver license will be suspended (or privilege will be denied if not licensed) for 180 days. Minors are not eligible for deferred disposition on the third conviction or any subsequent conviction.
3rd offense (Under 17 years of age)	Class C misdemeanor punishable by a fine up to \$500, 20 to 40 hours of community service, and the minor may be required to attend an alcohol awareness course. The driver license will be suspended (or privilege will be denied if not licensed) for 60 days, or the case can be transferred to Juvenile Court as delinquent conduct.

A minor who is convicted of driving while his/her license is suspended because of a non-driving alcohol related offense is subject to the penalties of Driving While License Invalid (DWLI).

### Other Non-Driving Penalties for Alcohol-Related Offenses

A person, who purchases, furnishes, or sells an alcoholic beverage to a minor is subject to the penalties listed in the table below.

**Table 11: Penalties for Purchasing, Furnishing, or Selling Alcohol to a Minor**

Offense	Penalty
Purchased or furnished alcohol to a minor	A fine of up to \$4,000 and/or confinement in jail for up to one year.
Sold alcohol to a minor	A fine of up to \$4,000 and/or confinement in jail for up to one year.

### Occupational License (Essential Need License)

An occupational license, also called an essential need license, is a special type of restricted license issued to individuals:

1. Whose driver license has been canceled, suspended, revoked, or denied for certain offenses (other than medical or delinquent child support); and
2. Who can prove to a court there is an essential need to drive.

Individuals may still qualify for an occupational license even if their driver license has been suspended for surcharges.

Application for an occupational license is made to the district, county, or justice of the peace court in the precinct or county of the licensee's residence or to the court of original jurisdiction, whichever is applicable. If the court determines an individual is eligible for an occupational license then a court order will be issued. The court order authorizes DPS to issue the occupational license. The applicant must submit the court order and all required items to DPS before an occupational license can be issued. The fee for this type of license is \$10 per year. The court order may be used for 45 days for driving purposes while the occupational license is being processed. After 45 days, you must have both the court order and the occupational license in your possession.

A person issued an occupational license must also carry a certified copy of the court order when operating a vehicle and must allow a law enforcement officer to examine the order at the officer's lawful request. An occupational license may not be issued to drive a commercial motor vehicle.

For more information on occupational licenses, visit our website at <http://www.dps.texas.gov/DriverLicense/OccupationalLicense.htm>.

### Driver Responsibility Program (DRP)

The Driver Responsibility Program (DRP) establishes a system that authorizes the Texas Department of Public Safety (DPS) to assess surcharges to an individual based on certain traffic offenses.

A surcharge is an administrative fee based on convictions reported to the driver record. A surcharge is in addition to other types of fees and does not replace a suspension, revocation, disqualification, denial, or cancellation action resulting from the same conviction. To check your driver eligibility, visit <https://txapps.texas.gov/txapp/txdps/dleligibility/login.do>

Two criteria are used to determine if a surcharge will be assessed: Point system and Conviction based.

Individuals who have both points and convictions reported to their driver record will receive separate surcharges for each offense; a surcharge for the points and a surcharge for the conviction.

#### Point System

Points are assessed for traffic convictions. Once the conviction has been reported to the driver record, points are assigned and remain on your driver record for three years. A person will receive:

- Two points for a Texas or out-of-state traffic conviction
- Three points for a Texas or out-of-state traffic conviction that resulted in a crash

A surcharge is assessed when the driver has six or more points on his/her driver record within three years. The driver is required to pay an additional \$100 surcharge for the first six points and \$25 for every point after six. The surcharge is assessed every year the driver maintains six or more points.

#### Conviction Based

A driver convicted of one of the offenses listed in the *Conviction Based Surcharges* (DRP) table is assessed a surcharge every year for three years. Points are not assessed for these offenses because the surcharge is automatic upon conviction.

**Table 12: Conviction Based Surcharges (DRP)**

Type of Conviction	Surcharge
Driving While Intoxicated (DWI) - 1st offense	\$1,000
DWI – second and subsequent offenses	\$1,500
DWI with blood alcohol concentration of 0.16 or greater	\$2,000
No Insurance	Up to \$250
Driving While License is Invalid (DWLI); license is cancelled, suspended, or revoked	\$250
No driver license (No license, expired license, or no CDL)	Up to \$100
<ul style="list-style-type: none"> <li>Individuals are permitted to reduce: <ul style="list-style-type: none"> <li>No Insurance surcharges that were assessed on or after September 1, 2015, to \$125 per year, if they obtain a SR-22A insurance policy no later than 60 days after the date of offense.</li> <li>No driver license surcharge that were assessed on or after September 1, 2015 to \$50 per year, if they obtain a driver's license no later than 60 days after the date of offense. A valid driver license also includes an occupational, commercial, and interlock/restricted license.</li> </ul> </li> <li>Individuals are permitted to waive their No Insurance surcharge assessed on or after September 1, 2017 if they submit proof of insurance to DPS that was valid on the date of offense.</li> </ul>	

### DPS Contracts with a Vendor

DPS contracts with an outside vendor (Municipal Services Bureau – MSB) to collect surcharges. This vendor is legally authorized to charge the following service fees in addition to the surcharge:

1. A service fee of four percent of the original surcharge amount;
2. An installment plan payment fee of \$2.50 per partial payment;
3. A credit or debit card fee of 2.25 percent of the payment plus \$0.25 (except where prohibited by law); and
4. An electronic check fee of \$2.00 per payment.

### Driver Record Review

DPS reviews surcharge cases annually. The number of points on a record can vary each year based on convictions that are added or removed. Please be aware there is a lapse in time from the date you are convicted for an offense and the date your conviction is reported to DPS by the courts. As a result, points may be added to or deducted from your record for offenses committed in the previous 12-month period. For more information regarding driver record review, please visit <http://www.dps.texas.gov/DriverLicense/drp.htm>.

### Driver Notification

A letter will be mailed to you notifying you of the surcharges you have been assessed. Letters are mailed to the address DPS has on record or to your most recent forwarding address, if it is different. So it's important to notify DPS of any changes to your information. To change your address online, visit our website at <http://www.txdps.state.tx.us/DriverLicense/>.

### Payment of Surcharges

Surcharges must be paid within 105 days or an individual's driver license will be suspended for failure to comply with the surcharge requirements. Individuals can pay all three years in advance or enter into an installment payment. For more information regarding payment options, please visit <http://www.txdps.state.tx.us/DriverLicense/drp.htm>. The individual's driving privileges will remain suspended until an installment agreement is established or all surcharges and related costs are paid in full.

Payments can be made online at <https://www.txsurchargeonline.com/> or by calling 800-688-6882.

Individuals may also mail a personal check, money order, or cashier's check to the address below. Do not send cash. Individuals must write their name, driver license number and reference number, on their payment so their record can be properly identified. Make check or money order payment to MSB and allow three days for processing.

**Mailing Address:** Surcharge Processing;  
PO Box 16733  
Austin, Texas 78761-6733

### Indigency and Incentive Programs

The Indigency program reduces the amount of surcharges owed for some individuals who have incomes at or below 125 percent of the federal poverty guidelines.

The Incentive program reduces the amount of surcharges owed for some individuals who have incomes above 125 percent and below 300 percent of the federal poverty guidelines.

A summary of additional features and requirements of this program are:

1. All surcharges assessed are eligible for a reduction.
2. Under the Indigency program the surcharge amount owed is waived.
3. Under the Incentive program the surcharge amount owed is reduced to 50 percent.
4. Customers are still required to pay the full amount of all other applicable fees.
5. Once approved for a reduction under the Incentive program, the individual must pay the reduced balance in full within six (6) months. All surcharge suspensions will be lifted during this period. If the individual does not pay the balance in full by the due date, their driving privileges will be suspended until the reduced balance is paid in full.

To learn more about program eligibility requirements, poverty guidelines, or the application process visit our website at [www.dps.texas.gov/DriverLicense/drp.htm](http://www.dps.texas.gov/DriverLicense/drp.htm) or call (866) 223-3583.

## Chapter 2: Vehicle Inspection and Registration

### Vehicle Inspection

All motor vehicles registered in Texas must be inspected each year at an official motor vehicle inspection station. This includes motorcycles, mopeds, scooters, and autocycles. Evidence of financial responsibility for the vehicle being inspected must be presented at the time of the inspection.

The Texas Department of Motor Vehicles (DMV) and the Texas Department of Public Safety (DPS) transitioned to a new vehicle inspection and registration system requiring motorists to display only the valid registration sticker on the windshield. The sticker serves as combined proof of registration and inspection.

When a vehicle passes inspection, the inspection station will print the passing Vehicle Inspection Report (VIR) and enter the information into an electronic database. The DMV verifies the database information at the time your vehicle is registered. You should still be prepared to present the printed VIR when registering your vehicle. The VIR is only valid for 90 days from the month of inspection for registration purposes.

### Required Equipment for Vehicles

You must have the following equipment in proper working order for your car to be considered safe.

**Table 13: Required Equipment for Motor Vehicles**

Item	Description
Brakes	1. Foot Brake - Must stop car within a distance of 25 feet at a speed of 20 mph. 2. Parking Brake - Should be adequate to stop and hold car.
Lights	1. Two Headlights (one on each side of the front) - A beam indicator showing when the high headlight beam is on. 2. Taillights - All vehicles must be equipped with two taillights. Exception: Cars manufactured before 1960 are only required to have one taillight. 3. Brake (Stop) Lights - All vehicles must have two (2) working brake lights. Exception: Cars manufactured before 1960 are only required to have one (1) brake light. Vehicles equipped with a third or high mounted stop lamp require all three to be operational. 4. License Plate Light- A white light that lights the rear license plate when the headlights (or auxiliary lamps) are lighted. 5. Parking Lights - White or amber on the front, red to the rear (may be combined with other lights). 6. Reflectors - Two red reflectors, one on each side of the car (may be combined with taillights) must be placed at a height of 15 to 60 inches and be visible up to 600 feet; visible up to 350 feet on vehicles manufactured before 1960. 7. Turn Signals - Every motor vehicle, trailer, semi-trailer, and pole-trailer must have electric turn signals (except motorcycles and certain trailers). Exception: Passenger cars and trucks less than 80 inches in width and manufactured before 1960 are not required to have electrical turn signals.
Horns	Horns must be heard for a minimum distance of 200 feet.
Muffler and exhaust system	All 1968 or later models must be equipped with an exhaust emission system to help reduce air pollution.
Safety glass	New cars must be equipped with safety glass. Replacements of glass for any car must be with safety glass.
License plates	Vehicles must have one valid plate affixed to the front and one at the rear of passenger and commercial vehicles, in the manner prescribed by law, except dealer and commercial vehicles that are only issued one license plate.
Windshield wiper	Windshield wipers are necessary for safety in bad weather.
Rearview mirror	A rearview mirror must be able to reflect a view of the highway for a distance of at least 200 feet to the rear of the vehicle.
Slow moving vehicle emblem	Farm tractors and machinery, road construction machinery, animal-drawn vehicles and certain other motor vehicles assigned to travel at 25 mph or less must display the slow-moving vehicle emblem.
Front safety belts	Front safety belts are required if safety belt anchorages were part of the original equipment of the vehicle.
Tires	All vehicles are required to have tires in proper and safe condition with a minimum depth of 2/32 of an inch.
Fuel cap	The fuel cap on gasoline-powered vehicles from 2 to 24 years old will be checked to determine if the fuel cap is missing or defective. Exception: Antique vehicles, circus vehicles, slow moving vehicles, motorcycles, and vehicles operated exclusively by a fuel other than gasoline and vehicles newer than 2 years or older than 24 years.

For information on commercial vehicles, please see the special requirements section in the *Texas Commercial Motor Vehicle Driver Handbook*. For information on motorcycles, see the *Motorcycle Operator's Manual*.



## Equipment You Must Not Have

The following equipment is considered unsafe and is not allowed on your vehicle:

1. A red light showing from the front except on an emergency vehicle.
2. A bell, siren, or exhaust whistle except on an emergency vehicle.
3. A muffler cutout.
4. Anything extending more than three inches beyond the left side or six inches beyond the right side of the body, running board, or fenders of your car.
5. Flashing red lights on the front except on emergency vehicles, school buses, and church buses.
6. A radar interference device designed, manufactured, used, or intended to be used to interfere with, scramble, disrupt, or cause to malfunction a radar or laser device used to measure a vehicle's speed.

## Minimum Road Clearance

A vehicle must not be modified or weighted in such a manner where the body is below the lowest part of the rims of the wheels.

## Optional Equipment for Vehicles

The following equipment is considered optional and is not required to be on your vehicle.

**Table 14: Optional Equipment for Motor Vehicles**

Optional Item	Description
Spotlight	Spotlights must be turned off for a vehicle approaching from the opposite direction. If headlights fail, it may be used with the beam striking the road not more than 50 feet in front of the vehicle on which it is used.
Side cowl or fender light	Two of these types of lights are permitted; must show amber or white light without glare.
Running board courtesy lights	One running board courtesy light is permitted on each side; must show amber or white light without a glare.
Backup lights	Two backup lights are permitted separately or in combination with other lights. Do not use when vehicle is in forward motion.
Flashing lights	Widespread flashing lights may be used on any vehicle to warn of unusual traffic hazards; must show flashing amber or white to the front and flashing amber or red to the rear and must flash simultaneously.
Additional lights	Any motor vehicle may have up to three additional driving lights mounted on the front, not less than 12 inches but not more than 42 inches from the road surface.
Sunscreen or window tinting	If sunscreen or window tinting is used, it must comply with the appropriate state regulations for your vehicle make and model.

## Registration of Vehicles

All vehicles must be registered in the owner's county of residency. Once the vehicle is properly registered, a registration sticker will be issued that must be displayed on the vehicle's windshield or on the rear license plate of a motorcycle or moped.

1. An owner must register a newly purchased vehicle within 30 days of purchase.
2. Nonresident truck owners may be issued 30-day temporary registration permits for certain movements of farm products and machinery during harvesting season.
3. Under certain conditions, temporary registration permits and reduced registration rates for special vehicles may be obtained.
4. Buyers' temporary tags are recognized for 60 days; dealers' metal registration plates may be used on any dealer-owned vehicle except for commercial purposes (vehicle inspection is required).
5. A manufacturer's metal registration plate may be used for vehicle testing purposes only; a vehicle inspection is required. Dealers temporary cardboard tags may be used for demonstrating a vehicle for sale, or for transporting or servicing vehicles without a motor vehicle inspection. These vehicles may not be used for driver license driving exams.
6. Farm registered vehicles, in addition to use for farm and ranch purposes, may be used as a means of passenger transportation for members of the family to attend church or school, to visit doctors for medical treatment or supplies, or for other necessities of the home or family. Farm registered vehicles may not be used for gainful employment.
7. For registration applications and detailed information, consult your County Tax Assessor-Collector or the Texas Department of Motor Vehicles (DMV).

### **Vehicles Not Required to be Registered or Inspected**

The following vehicles are not required to be registered, inspected, or to display a license plate when temporarily operated on highways:

1. Farm tractors
2. Farm trailers, farm semi-trailers, and certain fertilizer and cottonseed trailers with a gross weight of 4,000 lbs. or less
3. Implements of agriculture
4. Power sweepers
5. Certain golf carts
6. Electric bicycles
7. Motorized and electric personal assistive mobility devices

When temporarily operated on highways, the following vehicles are not required to be registered or inspected if the owner annually secures a distinguishing \$5 license plate and complies with other special conditions in the law:

1. Machinery for drilling water wells and construction machinery.
2. Farm trailers, farm semi-trailers, cotton trailers, cottonseed trailers, and certain fertilizer trailers weighing over 4,000 lbs. but less than 34,000 lbs gross.

### **Vehicle Registration for New and Nonresidents of Texas**

A new Texas resident must register every vehicle he/she owns before applying for a Texas driver license.

When a nonresident establishes residency in Texas or enters into gainful employment, his/her vehicle may be operated for 30 days. After 30 days, the vehicle must be registered in Texas.

New residents registering a vehicle must obtain a Texas vehicle inspection report and verification of the vehicle identification number (VIN) by a state-approved vehicle inspection station prior to registration. The vehicle owner will then be provided the necessary form for processing the vehicle registration. Evidence of financial responsibility for the vehicle being registered must be presented at the time of registration. If evidence of financial responsibility is not presented, the vehicle cannot be registered. The registration receipt issued by the county tax assessor-collector for each vehicle will be acceptable proof of the registration when applying for a Texas driver license.

## Chapter 3: Safety Responsibility

### The Liability Insurance Law

The *Texas Motor Vehicle Safety Responsibility Act* was enacted to ensure all drivers are financially responsible for the death, injury, or property damage they may cause while operating a motor vehicle. All owners and/or operators of motor vehicles in Texas must have at least the minimum amount of liability insurance.

As of January 1, 2011, the minimum amount of liability insurance is:

- \$30,000 against injury or death of one person
- \$60,000 against injury or death of two or more individuals
- \$25,000 against property damage

To comply with the *Texas Motor Vehicle Safety Responsibility Act*, a driver, unless exempt, must maintain liability insurance or be self-insured under the provisions of the Act. Evidence of financial responsibility must be presented at the time a person applies for a driver license, registers a motor vehicle, or obtains a motor vehicle inspection report.

Every owner or operator of a motor vehicle in Texas is required to furnish evidence of financial responsibility to a law enforcement officer upon request or to another person involved in a crash.

### Evidence of Financial Responsibility

The following list includes items that will be accepted as evidence of financial responsibility.

1. A liability insurance policy in at least the minimum amounts.
2. A standard proof of liability insurance form prescribed by the Texas Department of Insurance and issued by a liability insurer that includes the:
  - a. Name of the insurer, insurance policy number, and policy period;
  - b. Name and address of each insured;
  - c. Policy limits or a statement the coverage of the policy complies with at least the minimum amounts of liability insurance required by this Act; and
  - d. The make and model of each covered vehicle.
3. An insurance binder indicating the owner and/or operator is in compliance.
4. A certificate issued by the state comptroller showing the owner of the vehicle has on deposit with the comptroller, money or securities for at least \$55,000.
5. A surety bond issued by DPS showing the vehicle has a bond on file with DPS.
6. A certificate or copy of a certificate issued by the county judge of a county in which the vehicle is registered that shows the owner of the vehicle has on deposit with the county judge, cash or a cashier's check for at least \$55,000.
7. A certificate or copy of a certificate of self-insurance, issued by DPS, which shows the person has more than 25 vehicles registered in his/her name.
8. An image displayed on a wireless communication device that includes the information required in a standard insurance form. This option is not acceptable for driver license issuance or examinations.

### Failure to Provide Evidence of Financial Responsibility

If an individual fails to provide evidence of financial responsibility when required, he/she may receive a citation. The court may dismiss the charge if the individual provides evidence that a liability insurance policy was in effect when the citation was issued.

Upon conviction of driving a motor vehicle without sufficient evidence of financial responsibility as required, a driver is subject to penalties.

**Table 15: Penalties for Driving Without Evidence of Financial Responsibility**

Conviction	Penalty
1st conviction	A fine of \$175 to \$350.
2nd conviction and each subsequent conviction	Suspension of driver license and motor vehicle registration, a fine of \$350 to \$1,000, and court-impoundment of the motor vehicle driven or operated by the person at the time of the offense provided the defendant was an owner of the vehicle at the time of the offense and is an owner of the vehicle on the date of conviction. The vehicle shall be impounded for 180 days. Before the court orders the release of the vehicle, evidence of financial responsibility must be presented to the court.

The vehicle registration, license or driving privilege of a driver will be suspended:

1. Upon conviction of a traffic violation providing for a suspension of a driver license, unless evidence of insurance is presented to DPS;
2. If a judgment resulting from a crash has not been satisfied within 60 days of the judgment;
3. If an installment agreement arising out of a settlement of a crash is in default;
4. If, while uninsured, the individual was involved in a crash in which another person was killed, injured, or there was at least \$1,000 damage to a person's property and there exists a reasonable probability of a judgment being rendered against the driver; and
5. When required to maintain evidence of financial responsibility for two years from the most recent conviction date. More specific information about compliance with the Texas Motor Vehicle Safety Responsibility Act may be found online at <http://dps.texas.gov/DriverLicense/sr22InsuranceCertificate.htm>. You may also visit any driver license office or write to:

**Mailing Address:** Texas Department of Public Safety  
Enforcement and Compliance Service  
PO Box 4087  
Austin, TX 78773-0320

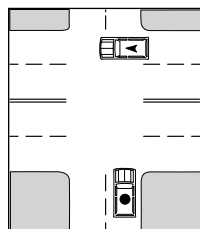
## Chapter 4: Right-of-Way

At times, a driver must yield to others. There are certain rules to help determine who has the right-of-way; however, if the other driver doesn't follow these rules, give him/her the right-of-way. Remember, in every situation, right-of-way is something given, not taken. All drivers should know and understand the laws that determine who has the right-of-way.

**Table 16: Penalties for Failure to Yield Right-of-Way**

Offense	Penalty
Driver commits any traffic offense of which failure to yield the right-of-way to another vehicle is an element and causes bodily injury to another.	A fine of \$500 to \$2,000.
Driver causes serious bodily injury to another.	A fine of \$1,000 to \$4,000.

### Right-of-Way at Intersections



#### Intersections Controlled by Signs and Signals

When signs and signals control traffic at an intersection, you must obey them. Know the meaning of each sign and signal. See Chapter 5 for more information.

#### Single or Two-Lane Road Intersecting a Multi-Lane Road

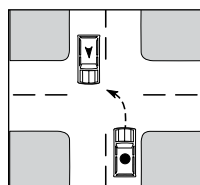
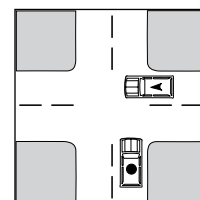
If you are driving on a single or two lane road that intersects with a divided road or road with three (3) or more lanes, you must yield the right-of-way to vehicles traveling on the divided or three (3) or more lane road.

#### Unpaved Road Intersecting a Paved Road

If you are driving on an unpaved road that intersects with a paved road, you must yield the right-of-way to vehicles traveling on the paved road.

#### Intersections Not Controlled by Signs, Signals, Multi-Lanes, or Pavement

When approaching this type of intersection, yield the right-of-way to any vehicle that has entered or is approaching the intersection on your right. If the road to your right is clear or if approaching vehicles are far enough from the intersection to make your crossing safe, you may proceed. Since there are not any traffic-controls at this intersection, make sure there are no approaching vehicles from the left. You may legally have the right-of-way but be sure the other driver yields to you before you proceed.



#### Turning Left

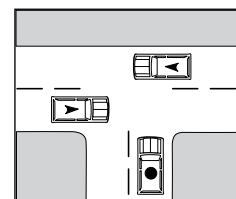
When turning left, always yield the right-of-way to any vehicle coming straight through from the other direction.

#### Private Roads and Driveways

When entering or crossing a road, street, or highway from a private road, alley, building, or driveway, you must stop prior to the sidewalk and yield the right-of-way to all approaching vehicles and pedestrians.

#### T-Intersection

When approaching an intersection of a through street traveling from a street that ends at the intersection, you must stop and yield the right-of-way to vehicles on the through street.

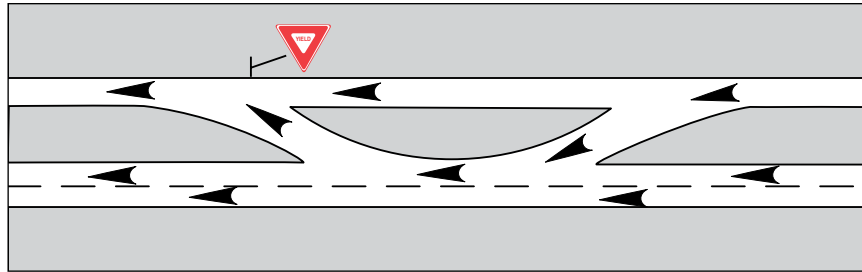


### Enter or Leave Controlled-Access Highway

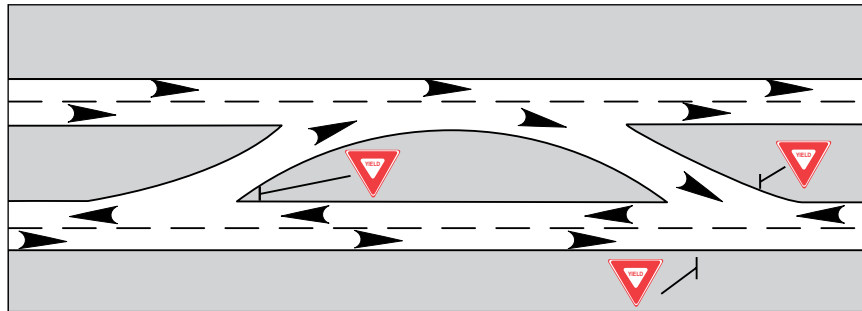
The driver traveling on a frontage road of a controlled-access highway must yield the right-of-way to a vehicle:

- Entering or about to enter the frontage road from the highway; and
- Leaving or about to leave the frontage road to enter the highway.

ONE-WAY FRONTAGE ROAD

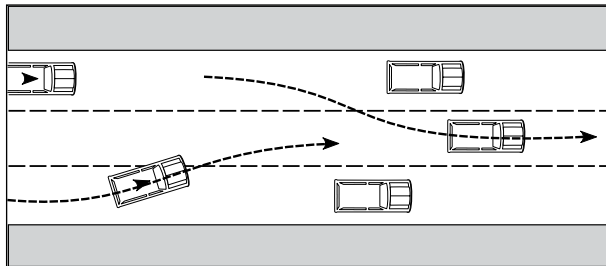


TWO-WAY FRONTAGE ROAD



### Driving on Multiple-Lane Roads

On a road divided into three or more lanes with traffic moving in the same direction, a vehicle entering a lane of traffic **from the right** must yield the right-of-way to a vehicle entering the same lane of traffic **from the left**.



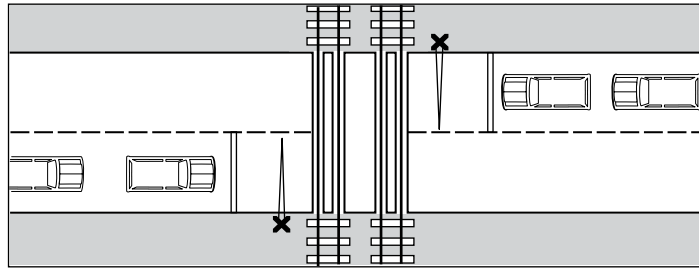
### Railroad Grade Crossings

When approaching a railroad grade crossing, stop between 15 and 50 feet from the nearest rail if:

1. A clearly visible railroad signal warns of an approaching train
2. A crossing gate is lowered or a flag person warns of an approaching train
3. A driver is required to stop by an official traffic-control device or a traffic-control signal
4. An approaching train is within about 1,500 feet of the crossing. The train will produce an audible signal to identify the immediate hazard.
5. An approaching train is visible and in close proximity to the crossing

You are required to stop at a railroad grade crossing and remain stopped until allowed to proceed or it is safe to proceed.

A person who fails to obey the law regarding railroad grade crossings is subject to a fine of \$50 to \$200.



### Additional Safe Driving Procedures at Railroad Crossings

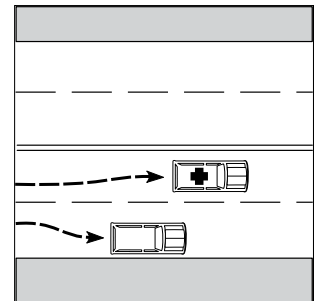
1. If a railroad crossing is marked only with a cross-buck sign or reduce speed sign, then look both ways, and listen for a whistle. If a train is approaching, stop. If a train is not approaching, proceed with caution.
2. If red lights are flashing at a railroad crossing, stop. If a train is approaching, remain stopped until the train passes and the lights stop flashing.
3. If the railroad crossing gates have been lowered, stop. Remain stopped and wait until the train passes and the gates are raised before crossing.
4. Be sure the tracks are clear before you proceed to cross. There may be two or more sets of tracks. One train could be blocking the view of another.
5. Never stop on the tracks. If your car stalls on the tracks and you cannot restart it, get out and try to push the car off the tracks. If you cannot push the car off the tracks, get help. If a train is approaching and your vehicle is stalled, get out quickly and move away from the tracks. Run toward the approaching train to the side of the tracks and avoid flying debris.
6. Remember, trains do not and cannot stop at crossings. Trains always have the right-of-way.
7. Audible signs or whistles may be difficult to hear when approaching railroad crossings. Roll your windows down, turn your radio down, and listen carefully.

If you encounter a railroad grade crossing signal problem, call the Texas Department of Public Safety Communications Center at (800) 772-7677 or call your local police department or county sheriff's office. Each railroad crossing signal has an identifying number. Please note the number and be ready to provide it when reporting a problem.

### Yield Right-of-Way to Emergency Vehicles

You must yield the right-of-way to police cars, fire trucks, ambulances, and other emergency vehicles sounding a siren, bell, or flashing red light. If traffic allows, pull to the right edge of the road and stop. If you are unable to pull over to the right, slow down and leave a clear path for the emergency vehicle.

1. You are not allowed to follow within 500 feet of a fire truck answering an alarm or an ambulance when the flashing red lights are on.
2. Do not drive or park on the street where the fire truck has answered an alarm.
3. Do not park in a location that interferes with the arrival or departure of an ambulance to or from the scene of an emergency.

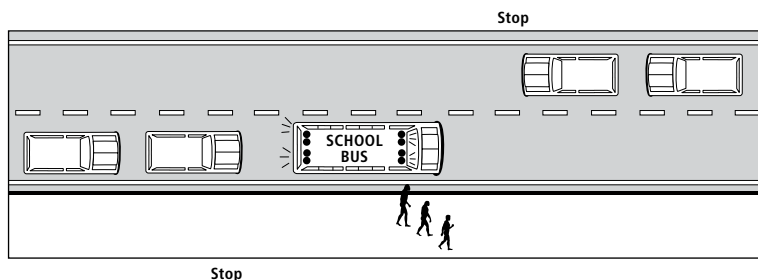


Unless otherwise directed by a law enforcement officer, drivers who approach a stopped emergency vehicle with its lights activated must:

1. Vacate the lane closest to the emergency vehicle if the highway has two or more lanes traveling in the direction of the emergency vehicle;
2. Slow to a speed not more than 20 mph less than the posted speed limit when the posted speed limit is 25 mph or more; or
3. Slow to a speed less than 5 mph when the posted speed limit is less than 25 mph.



## Yield Right-of-Way to School Buses



You must yield the right-of-way to school buses. Always drive with care when you are near a school bus. If you approach a school bus from either direction and the bus is displaying alternately flashing red lights, you must stop. Do not pass the school bus until:

1. The school bus has resumed motion;
2. You are signaled by the driver to proceed; or
3. The red lights are no longer flashing.

It is not necessary to stop when passing a school bus on a different road or when on a controlled-access highway where the bus is stopped in a loading zone and pedestrians aren't permitted to cross. A person who fails to obey the law regarding yielding the right-of-way to school buses displaying alternating, flashing lights is subject to the penalties listed in Table 17.

**Table 17: Penalties for Failure to Yield Right-of-Way to School Bus**

Conviction	Penalty
1st conviction	A fine of \$500 - \$1,250.
2nd conviction and every conviction after (within 5 years)	A fine not less than \$1000 or more than \$2000, possible suspension of driver license for up to six months.
Person causes serious bodily injury to another when passing a stopped school bus	Class A misdemeanor punishable by a fine of up to \$4,000 and/or up to one year in jail.
Person causes serious bodily injury to another and has previously been convicted of passing a school bus and causing serious bodily injury	State jail felony punishable by 180 days to 2 years confinement and a possible fine of up to \$10,000.

## Yield the Right-of-Way to Pedestrians (Persons on Foot)

### Avoid Turning a Car into a Deadly Weapon

You should always be on the lookout for individuals who are on foot (pedestrians) whether they have the right-of-way or not. Drivers must give the right-of-way to pedestrians:

1. At an uncontrolled intersection (there are not any traffic signs or signals for the pedestrian to enter the crosswalk)
2. If the pedestrian has a WALK signal or
  - a. If there is not a pedestrian control signal, give the pedestrian the right-of-way on a green light.
  - b. If the light changes after the pedestrian has entered the crosswalk, still give the pedestrian the right-of-way.

### Yield Here to Pedestrian Signs



The "Yield Here to Pedestrians" sign is used when yield lines are used in advance of a marked crosswalk that crosses an uncontrolled multi-lane roadway.

### In-Street and Overhead Pedestrian Crossing Signs

The "In-Street Pedestrian Crossing" signs or the "Overhead Pedestrian Crossing" signs may be used to remind road users of laws regarding right-of-way at a pedestrian crosswalk without signals.











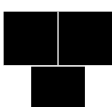

The "In-Street Pedestrian Crossing" signs are placed in the road at the crosswalk location on the center line, on a lane line, or on a median island. The "In-Street Pedestrian Crossing" signs will not be posted on the left- or right-hand side of the road.

The "Overhead Pedestrian Crossing" signs are placed over the roadway at the crosswalk.



## Pedestrian Hybrid Beacons

A pedestrian hybrid beacon is a special type of pedestrian activated warning device used with signs and pavement markings to warn and control traffic at locations where pedestrians enter or cross a street or highway. Pedestrian hybrid beacons are only installed at a marked crosswalk.

Pedestrian Crossing Signals	
What Drivers See	What Pedestrians See
 <b>Dark</b>	 Push the button.
 <b>Flashing Yellow</b>	
 <b>Steady Yellow</b>	
 <b>Steady Red</b>	 Start crossing.
 <b>Alternating Flashing Red</b> Stop. Then go if clear.	 <b>Flashing</b> Continue crossing.
 <b>Dark</b>	

## In-Roadway Lights

In-roadway lights are special types of lights installed in the roadway surface to warn roadway users they are approaching a condition on or near the road they may not see, which might require them to slow down or come to a complete stop. In-roadway lights are used as an alternative to traffic lights where pedestrian safety is a concern, and are typically placed at midblock crossings, school crosswalks, marked crosswalks on uncontrolled approaches, or in advance of roundabouts.

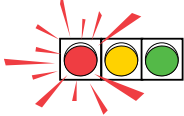
Image source: Some images in this chapter are courtesy of The MUTCD, 2009 Edition, published by FHWA at [mutcd.fhwa.dot.gov/pdfs/2009/pdf\\_index.htm](https://mutcd.fhwa.dot.gov/pdfs/2009/pdf_index.htm)

## Chapter 5: Signals, Signs, and Markers

### Traffic Signals

Traffic signals help provide for the orderly movement of traffic. Drivers must obey these signals, except when a law enforcement officer is directing traffic. You must obey a law enforcement officer at all times when they are directing traffic even if he/she is telling you to do something which is ordinarily considered against the law.

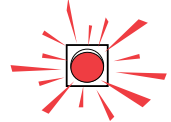
#### Steady Red Light (Stop)



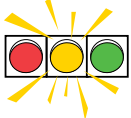
Stop before entering the crosswalk or intersection. You may turn right unless prohibited by law. You may also turn left if both streets are one way, unless prohibited by law. You must yield to all pedestrians and other traffic lawfully using the intersection.

#### A Flashing Red Light

Stop completely before entering the crosswalk or intersection, then proceed when you can do so safely. Vehicles on the intersecting road may not have to stop.



#### Steady Yellow Light (Caution)



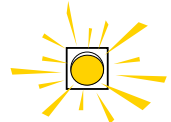
A steady yellow light warns drivers to use caution and to alert them the light is about to change to red. You must STOP before entering the nearest crosswalk at the intersection if you can do so safely. If a stop cannot be made safely, then you may proceed cautiously through the intersection before the light changes to red.

#### A Flashing Yellow Light

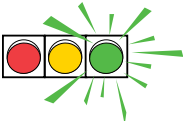
A flashing yellow light warns drivers to slow down and proceed with caution.

#### A Flashing Yellow Arrow For Left-Turns

A flashing yellow arrow allows a driver to turn left, but the driver must yield the right-of-way to oncoming traffic.



#### Steady Green Light (Go)



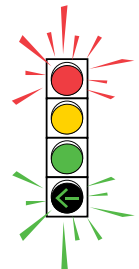
A steady green light means the driver can proceed on a green light if it is safe to do so. You may drive straight ahead or turn unless prohibited by another sign or signal. Watch for cars and pedestrians in the intersection. Be aware of reckless drivers who may race across the intersection to beat a red light.

#### Green Arrow Displayed at the Same Time as a Red Light

A green arrow displayed at the same time as a red light means the driver can proceed carefully in the direction of the arrow after yielding the right-of-way to other vehicles and pedestrians.

#### Left Turn on Green

You can turn left on a green light. However, you must yield the right-of-way to all traffic that is approaching from the opposite direction before turning.



### Traffic Signs

Traffic signs can help you to be a better driver because they:

1. Warn of hazards ahead that are difficult to see
2. Guide drivers to their destination by identifying the route
3. Inform of local regulations and practices
4. Regulate the speed and movement of traffic




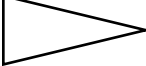

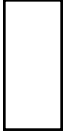


The *Standard Colors* table shows colors commonly used on road signs and explains what each color means.

**Table 18: Standard Colors**

Color	Description
	Red: Stop, yield, or do what is posted on the sign
	Green: Indicated movements permitted, direction guidance
	Blue: Motorist services guidance
	Yellow: General warning or caution
	Black: Regulation
	White: Regulation
	Orange: Construction and maintenance warning
	Orange (Retroreflective): Used on various types of signs
	Brown: Public recreation and scenic guidance

Knowing the shapes of these signs will help you know what to do when you are approaching from a distance.

**Table 19: Signs by Shape**

Shape	Description
	Octagon: Exclusively for stop signs
	Horizontal Rectangle: Generally for guide signs
	Equilateral Triangle: Exclusively for yield signs
	Pennant: Advance warning of no pass zones
	Diamond: Exclusively to warn of existing or possible hazards on roads or adjacent areas.
	Vertical Rectangle: Generally for regulatory signs.
	Pentagon: School advance and school crossing signs.
	Round: Railroad advance warning signs.

## Warning Signs

Warning signs alert drivers to conditions that are immediately ahead and tell them what to look for. There may be road hazards, changes in direction, or some other situation you should know about. Not only must warning signs be observed for safety reasons but to disregard them may be a traffic violation.

When you encounter a warning sign:

1. Pay attention
2. Follow instructions
3. Reduce speed to at least the posted speed signs

The following table provides examples of common warning signs.

Table 20: Warning Signs

Sign	Description	Sign	Description
	Warns of a traffic control signal ahead.		Road ahead makes a sharp turn in the direction of the arrow (right). Slow down, keep right, and do not pass.
	Height of underpass from road surface is shown. Do not try to enter if your load is higher than the figure shown on the sign.		There is a winding road ahead. Drive slowly and carefully, and do not pass.
	Advises you are approaching a section of highway where the opposing flows of traffic are separated by a median island.		The divided highway you are traveling ends ahead. Be careful as you approach the point where two-way traffic begins again.
	You are approaching a point where two roads come together and an additional lane begins. You are not required to merge. Watch for traffic in the new lane.		Slow down on wet road. Do not suddenly turn, speed up, or stop.
	The road curves one way (right) and then the other way (left). Slow down, keep right, and do not pass.		You should drive in the right-hand lane and expect oncoming traffic in the left hand lane.
	Another road enters the road you are traveling on from the direction shown. Watch for traffic from that direction.		Road ahead makes a gradual curve in the direction of the arrow (right). Slow down, keep right, and do not pass.
	Slow down, the road surface ahead is in poor condition.		Cross road ahead; slow down and watch for cross traffic. Look carefully in all directions for traffic.
	Cross traffic.		Gives advance notice of a reduction in the number of lanes of pavement ahead.

Table 20: Warning Signs (Continued)













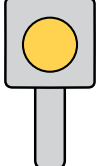
















Sign	Description	Sign	Description
	T-Intersection.		You are approaching a "T" intersection and must turn left or right. Be prepared to yield the right-of-way at the intersection if necessary.
	Y-Intersection or side road traffic to the right.		There is a low place in the road. Slow down in order to avoid losing control of your vehicle or an uncomfortable jolt.
	You are approaching a point where other traffic lanes come together with the one you are in. Watch for traffic from that direction.		Use extreme caution to avoid running off the paved portion of the highway, because the dirt on the side of the pavement is soft and may cause you to lose control of the car.
	You are near an area where a large number of pedestrians cross the street. Slow down and watch for pedestrians.		The bridge ahead is not as wide as the road. Slow down and use caution.
	You are near a school. Slow down, watch for children, and prepare to stop suddenly if necessary.		The road you are traveling on intersects a highway ahead. Slow down, look to the right and to the left for other traffic, and be prepared to stop.
	The surface of the road is covered with loose gravel. Go slow enough to keep complete control of your vehicle. Do not apply brakes suddenly or make sharp turns.		The road ahead makes a sharp turn to the right and then a sharp turn to the left. Slow down, keep right, and do not pass.
	Mounted in front of an obstruction which is close to the edge of the road, such as culverts, or center piers on divided highways.		Warns of hazardous condition on bridge caused by ice. This sign will be displayed continuously during winter time periods. Drivers should slow down, avoid applying brakes suddenly, or making sharp or sudden movements.
	Mounted immediately in front of an obstruction or at short changes in road alignment.		Used to indicate the alignment of the road as an aid to night driving.

Table 20: Warning Signs (Continued)

Sign	Description	Sign	Description
	Indicates traffic is permitted to pass on either side of a traffic island or an obstruction.		You are approaching a downgrade; all drivers approach with caution. It may be necessary to use a lower gear to slow your vehicle.
	Used to mark the ends of the side rails of narrow bridges and other obstructions.		The sign will have yellow lights flashing (top and bottom) when the freeway ramp ahead is metered. The ramp meter (red or green) directs motorists when to enter the freeway.
	Slow your speed and watch for trucks entering or crossing the road or highway.		There is a sudden high place in the road ahead. Slow down in order to avoid losing control of your vehicle or an uncomfortable jolt.
	The pavement narrows ahead. Slow down and proceed with caution.		The road ahead curves sharply. Slow down, keep right, and do not pass.
	The hard-surfaced pavement changes to an earth road or low-type surface. Slow down.		The lane ends ahead. If you are driving in the right lane, you should merge into the left.
 	There is a significant drop from the pavement edge to the shoulder. If you must leave the pavement, slow down and steer firmly.		Be prepared for a stop sign ahead.
 	The pavement has been grooved to lessen the possibility of slippery pavement in wet weather. Motorcyclists should use caution.		
	Slow down and watch for individuals who may be disabled or who may be crossing the road in a wheelchair.		



















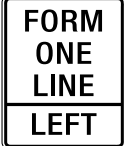

## Regulatory and Warning Signs

Regulatory traffic signs instruct drivers what they should, or should not do, in certain circumstances. Drivers must obey all regulatory signs in the same manner as traffic laws. These signs help protect the safety of all road users. The following table provides examples of common regulatory and warning signs.

Table 21: Regulatory and Warning Signs

Sign	Description	Sign	Description
	If you wish to turn at an intersection where this sign is posted, do so only in the direction indicated by the arrow.		Stop: A red stop sign with white letters or a yellow sign with black letters. The stop sign means come to a complete stop, yield to pedestrians or other vehicles, and then proceed carefully. Stop before the crosswalk, intersection, or stop sign. This applies to each vehicle that comes to the sign. Slowing down is not adequate.
			Advisory Speed Sign: This sign gives the highest speed which you can safely travel around the curve ahead.
	High Occupancy Vehicle (HOV) Preferential Lane: Buses and vehicles used for carpools may use this lane only between the hours of 6 a.m. to 9 a.m., Monday through Friday.		Do not pass other vehicles.
	Do Not Cross Yellow Lines: The distance you can see ahead is so limited that passing another vehicle is hazardous and you may not pass.		Stay in the right-hand lane if you are driving slower than other vehicles on the road.
	This sign indicates two lanes of traffic are permitted to turn left. The traffic in the left lane must turn left, traffic in the other lane has a choice.		Indicates the speed at which the exit ramp from a highway may be traveled safely.
	Do not park, stop, or allow your vehicle to stand idling in a parking space reserved for disabled individuals unless your vehicle has a disabled license plate or windshield identification card.		This sign tells you the maximum speed (in mph) you are permitted to travel. Sign also indicates the maximum speeds permitted on the road for day time and nighttime.
	Turning left at an intersection where this sign is posted is prohibited.		Trucks are prohibited from using or entering the roadway where this sign is displayed.
	Making a U-turn at an intersection where this sign is posted is prohibited.		Drive to the right of this sign. This sign is used in advance of islands and medians.
	If you see this sign facing you, you are driving the wrong way on a one-way street and you are directly opposing the flow of traffic.		







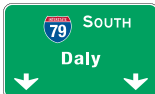



Table 21: Regulatory and Warning Signs (Continued)

Sign	Description	Sign	Description
	The road or street ahead is for one-way traffic traveling in the opposite direction. You must not drive in that direction or else you will be driving into oncoming traffic.		This sign marks a place where you may cross over to the other side of the divided highway.
	This sign tells you the road you are on joins with another road ahead. You should slow down or stop if necessary so you can yield the right-of-way to vehicles, pedestrians, or bicycles on the other road.		The use of a wireless communication device is prohibited in the school zone.
	School Zone: The speed shown is in effect when the yellow light is flashing. Be extremely careful for school children.		These signs are added to a stop sign advising that all approaching traffic to this intersection must stop before proceeding in the order you arrived. If two vehicles arrive at the same time, yield to the vehicle on your right.
	Red light photo enforced.		
	Drivers should not change lanes or turn across the double white lines.		On roadways with more than one lane with vehicles traveling in the same direction, slower traffic should travel in a lane other than the farthest left lane. The farthest left lane is for passing only.
	Vehicles facing the signal with the green arrow may proceed safely into the intersection. While turning left, you are protected from oncoming traffic that must stop for vehicles at an intersection. Vehicles turning at a protected light should use caution.		The center lane is only used for vehicles turning left, and should never be used for passing or moving through traffic. The only time a vehicle should enter the center lane is at a point where the vehicle will have time to slow down or stop to make a safe left turn.
	This designates the shoulder of the road should only be used by vehicles required to stop because of mechanical breakdown, tire trouble, lack of fuel, or other emergencies.		A green signal will indicate when you may turn left.
	The road ahead is not open to any traffic. Look for a detour or other route.		Vehicles driving in the right lane must turn right at the next intersection unless the sign indicates a different turning point.
	Instructs drivers that all traffic on the same roadway must merge into one lane.		Advisory Speed Sign: This sign gives the highest speed at which you can safely travel around the turn ahead.

## Guide Signs

Guide signs are especially helpful when you are not familiar with an area. Guide signs tell you what road you are on and help you arrive at your destination safely. The table below provides examples of common guide signs.

Table 22: Guide Signs

Sign	Description	Sign	Description
	The only place where you may lawfully throw your trash on the highway is in a litter barrel. This sign advises that such a barrel is one mile ahead. Litter barrels are also found at all rest/picnic areas.		The lane that has this sign above it exits ahead.
	Texas Route Marker signs tell you what road you are or will be traveling on. Plan your trip and know which road you want to take.		This sign tells you what road you are on. It is a short state highway in a city or urban area.
	Interstate Route Marker signs tell you what road you are on. Plan your trip and know which roads you want to take.		Indicates an officially designated highway that branches off the regularly numbered highway and goes through the business portion of the city.
	These signs are usually mounted above the road. The arrows indicate the lane or lanes to be used to follow a particular highway route.		Travel information: This sign tells you which way to go and how far you must travel to get to cities, airports, and other destinations.
	Mileposts provide a means of identifying the location of crashes, breakdowns, or other emergencies. Mileposts are erected every mile on interstate highways starting at the state line.		Lane-use control signals are overhead signals indicating if motorists should drive in a specific lane. If a red X appears above a lane, a driver should not drive in that lane. A steady yellow X means a driver should prepare to safely vacate the lane over which the signal is located because a lane control change is being made. A steady downward green arrow means a driver is permitted to drive in the lane over which the arrow signal is located. Lane-use control signals can be used on streets or highways.

## Railroad Warning Signs



### Railroad Crossing

This sign means you are within a few hundred feet of a railroad crossing. Slow down and be prepared to stop. If you see a train coming, STOP. Never try to beat a train.



### Railroad Crossbuck

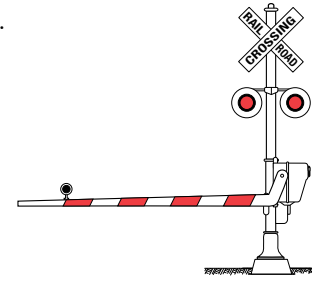
Railroad crossbuck signs are posted at every railroad, highway, road, or street grade crossing and show the location of the train tracks. If more than one track is to be crossed, the sign will show the number of tracks. Always slow down, look, listen, and be prepared to yield the right-of-way to an approaching train.

### Gate and Flashing Light

Stop when the lights begin to flash before the gate lowers across your side of the road. Remain stopped until the gates are raised and the lights stop flashing.

At railroad crossings stop within 15 feet to 50 feet of the nearest rail when:

1. You are directed to do so by a flag person
2. There are flashing red lights or warning bells sounding
3. There is any warning device telling you a train is coming

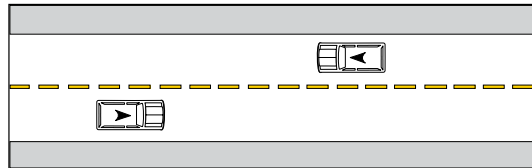


### Pavement Markings

Pavement markings help you just like signs and signals. They are used to warn and direct drivers and to regulate traffic.

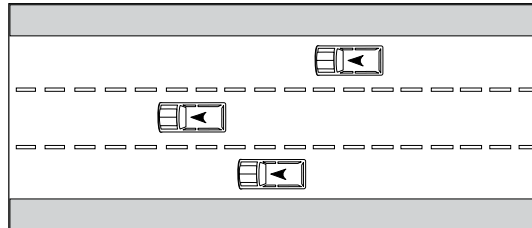
#### Two-Lane Rural Road with Two-Way Traffic

Keep to the right of the yellow center line. You may cross a broken line when passing another vehicle or when the right half of the road is closed. Do not cross the line if it is not safe or it is a solid yellow line.



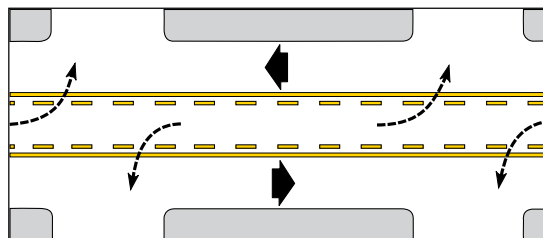
#### Three Lane One-Way Roads

When each lane on a one way road is marked with a broken white line, you may drive in any lane. When turning from a one-way road, make sure you move into the lane closest to the turn you are going to make well in advance of your turn.



#### Left Turn Lane Only

The only time a vehicle should enter the center lane is at a point where the vehicle will have time to slow down or stop in order to make a safe left turn maneuver.

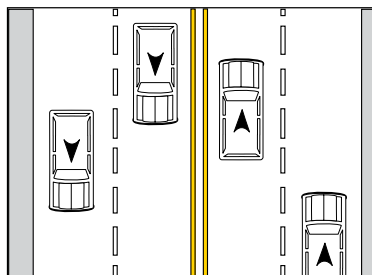


Left Turn Lane Only

*Special Note:*  
 The center lane should never be used for passing or as a through-traffic lane.

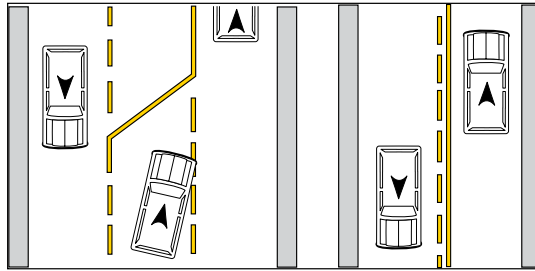
#### Multi-lane Highway (Four or More Lanes)

Do not cross the double yellow line to pass. Stay in your lane as much as possible. If you are driving slower, keep in the right-hand lane.



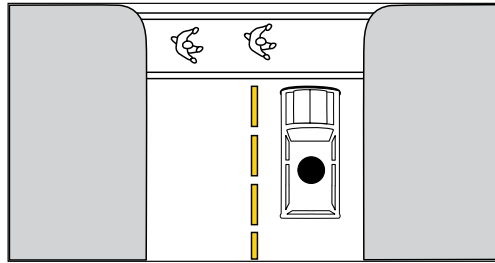
### Solid and Broken Lines

A solid yellow line on your side of the road marks a “no-passing zone.” Broken or dashed lines permit you to pass or change lanes, if safe.



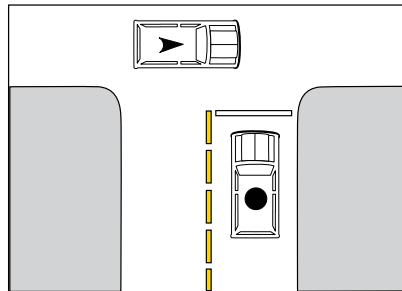
### Crosswalks

White crosswalk lines are painted across a road to indicate pedestrian crossing areas. Pedestrians should use these areas when crossing the road. At intersections where stop lines are missing, you must stop before the crosswalk when required to stop by traffic signs, traffic signals, or pedestrians in the crosswalk.



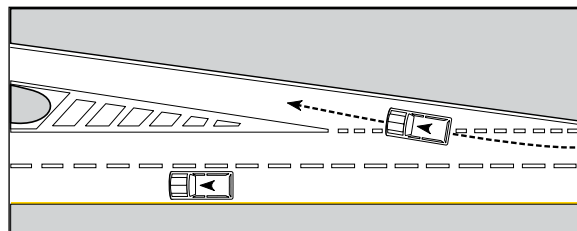
### White Stop Lines

White stop lines are painted across the pavement lanes at traffic signs or signals. Where these lines are present, you are required to stop behind the stop line.



### Solid Lines

Solid white lines are used for pavement edge lines, shoulder markings, channelizing, transitions, and lane use control. Crossing a solid white line should be avoided if possible. The solid yellow line on the left edge of the road is a guide for drivers to indicate driving to the left of the yellow line is prohibited. This type of yellow line can be found on interstate highways.

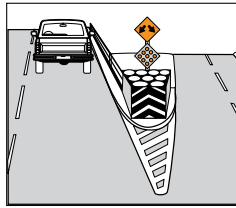


Crossing is prohibited where there is a pavement marking of double solid white lines.



## Barrels

Barrels that are engineered to act as an impact cushion reduce the seriousness of crashes. These barrels are usually installed in front of a solid obstacle and in areas of high crash frequency.



## Hearing Impaired

If you see this flag on the back of a bicycle, slow down, as the bicycle operator may be hearing impaired. This sign may also be displayed on vehicles to alert others the driver may be hearing impaired.



## Construction and Maintenance Devices

Various traffic control devices are used in construction and maintenance work areas to direct drivers, bicyclists, or pedestrians safely through the work zone and to provide for the safety of the workers.

The most commonly used traffic control devices are signs, barricades, vertical panels, drums, cones, tubes, flashing arrow panels, and flag individuals. Orange is the basic color for these devices.

When you are in a construction and maintenance work area, be prepared:

1. To slow down or stop as you approach workers and equipment
2. To change lanes
3. For unexpected movements of workers and equipment

*Special Note:*  
Traffic fines double for violations that occur in construction zones where workers are present.

### Construction and Maintenance Signs

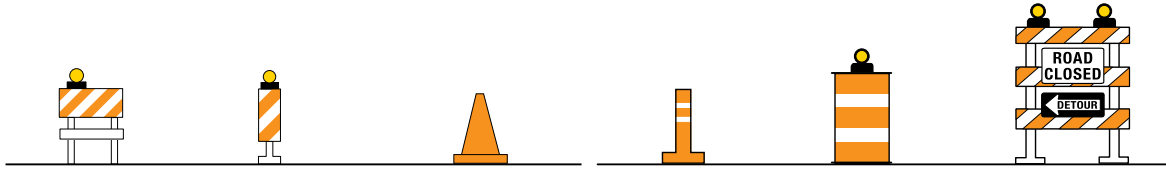
Construction and maintenance signs are used to alert drivers of unusual or potentially dangerous conditions in or near work areas. Most signs in work areas are diamond shaped, but a few are rectangular.

Table 23: Construction and Maintenance Signs

Sign	Sign	Sign	Sign

### Channelizing Devices

Barricades, vertical panels, drums, cones, and tubes are the most commonly used devices to alert drivers of unusual or potentially dangerous conditions in highway and street work areas, and to guide drivers safely through the work zone. At night channelizing devices are often equipped with flashing or steady burn lights.

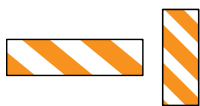


When you encounter any type of channelizing device:

1. Slow down and prepare to change lanes when it is safe to do so.
2. Be prepared for drivers who wait until the last second to move to the open lane.
3. Maintain reduced speed until you clear the construction area. There should be a sign indicating you are leaving the construction area.
4. Return to the normal driving lane only after checking traffic behind you.

### Passing Traffic

The diagonal stripes on the barricade or vertical panel guide the driver towards the direction to where the traffic is to pass.



#### **Pass to the Right**

Stripes sloping downward to the right means the driver should bear to the right.



#### **Pass to the Left**

Stripes sloping downward to the left means the driver should bear to the left.

### Flashing Arrow Panels

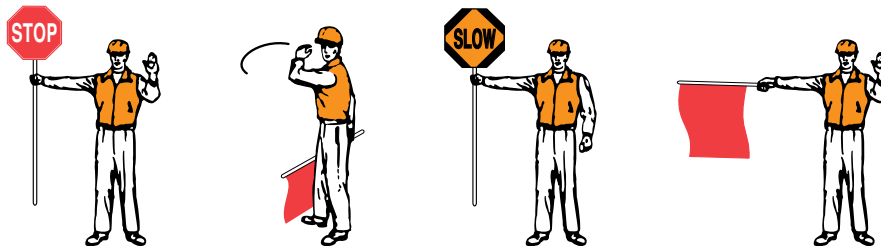
Large flashing or sequencing arrow panels may be used in work zones day and night to guide drivers into certain traffic lanes and to inform them part of the road ahead is closed.



### Flag Person

A flag person is often provided in roadway work zones to stop, slow, or guide traffic safely through the area. A flag person wears an orange vest, shirt, or jacket and uses stop/slow paddles or red flags to direct traffic through work zones.

1. A flag person is used in cases of extreme hazard.
2. A flag person's instructions must be obeyed.
3. When instructed to stop, do so in your lane and do not veer right or left.
4. Do not attempt to go forward until the flag person instructs you to do so.
5. Proceed with caution, expect the unexpected.
6. Always be on the lookout for oncoming vehicles in your lane of traffic.



### Automated Flagger Assistance Device (AFAD)

An automated flagger assistance device (AFAD) is used to control road users through temporary traffic zones. An AFAD is designed to be remotely operated, allowing a flag person to be positioned out of the lane of traffic.



## Obey Warning Signs and Barricades

It is a violation to disobey the instructions, signals, warnings, or markings of a warning sign, or to drive around a barricade.

The offense is a misdemeanor punishable by a fine of \$1 to \$200. Fines double in a construction or maintenance work zone when workers are present.

The offense is a Class B misdemeanor punishable by a fine of up to \$2,000 and/or up to 180 days in jail when a warning sign or barricade has been placed at a location where water is over any portion of a road, street, or highway.

## Slow-Moving Vehicle Emblem

This emblem is required for all slow-moving vehicles. Slow-moving vehicles are those designed to operate at a maximum speed of 25 mph or less, and the term includes all vehicles, farm and other machinery, and any other road machinery drawn by either animals or slow moving motor vehicles.

- a. The use of this emblem is prohibited on anything other than a slow-moving vehicle. It must not be used on other vehicles or on stationary objects.
- b. Exceptions. The following do not need the special emblem:
  - 1) A vehicle being used in actual construction work while traveling within the limits of a construction area marked as required by the Texas Transportation Commission;
  - 2) An implement or machinery being towed by a slow-moving vehicle bearing an emblem, if this emblem remains visible.

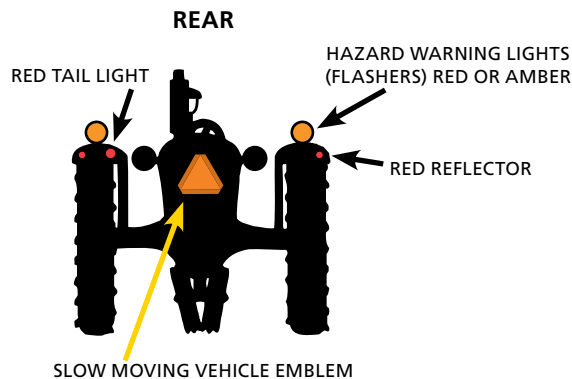


Image source: Some images in this chapter are courtesy of The MUTCD, 2009 Edition, published by FHWA at [mutcd.fhwa.dot.gov/pdfs/2009/pdf\\_index.htm](http://mutcd.fhwa.dot.gov/pdfs/2009/pdf_index.htm)

## Chapter 6: Signaling, Passing, and Turning

### Signaling

A good driver always lets others know if he/she is going to turn or stop. Signaling communicates your intention when driving and helps other drivers around you to plan ahead. A surprise move often results in a crash. Always be alert, watch for others, and give signals for your movements.

Always signal when you are going to:

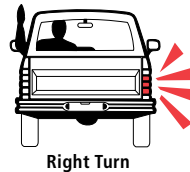
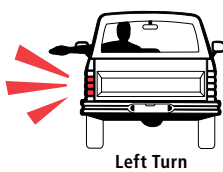
1. Change lanes
2. Make a turn
3. Pull away from a parking space parallel to the curb
4. Slow down or stop
5. Enter or leave a highway
6. Pull over to the side of the road

#### How to Signal

You may either use turn signal lights or hand and arm signals. If using hand signals, extend your hand and arm well out of the car window as shown below. Always make sure your signals can be easily seen by others, and signal in plenty of time.

Hand and arm signals are usually difficult to see during non-daylight hours, so it is important to make sure your signal lights are working properly. When signaling a stop, pump your brakes a few times to attract attention.

Signal continuously for at least 100 feet before turning or stopping, and be sure to turn off your signal lights once your turn is complete. Your unintended signal still means “turn” to other drivers.

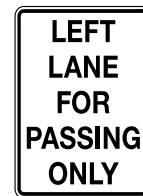


### Passing

#### Keep to the Right

Never drive on the left side of the road when:

1. Pavement markings or signs prohibit driving on the left (a “No Passing Zone” or solid lane lines)
2. There are two or more traffic lanes in each direction
3. Within 100 feet of or crossing an intersection or railroad crossing
4. On a hill, curve, or any other place where vision is limited
5. Within 100 feet of a bridge, viaduct, or tunnel



Always keep to the right side of the road except when:

1. Passing another vehicle on a two- or three-lane street
2. Driving on a one-way street
3. The right side of the road is blocked

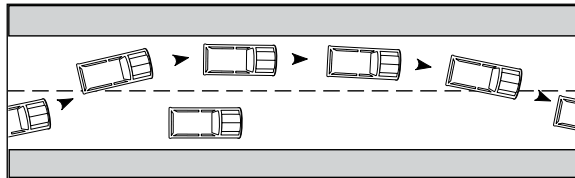
#### Basic Safety Rules When You Are Passing

It is not always safe to pass. Be patient and wait until the time is right. Crashes resulting from improper passing often result in head-on crashes and can be deadly.

1. Make certain the way is clear.
2. Give the proper signal before changing lanes.
3. Tap your horn when necessary to avoid surprising the driver ahead.
4. Avoid cutting in too quickly if you must return to your original lane.

### How to Pass on a Two-Lane Road

1. Keep enough distance between you and the car in front of you so you can see ahead clearly. Check the rearview mirror, your side mirrors, and look over your shoulder in your blind spot to make sure the roadway is clear and no other vehicles are passing you. Turn on your left turn signal to alert any drivers behind you.
2. Check well ahead for signs and pavement markings for no passing zones, and always check for oncoming traffic in the left lane. Be sure you have enough time and space to overtake the car ahead and return to the right lane before an approaching car comes within 200 feet of you.
3. Tap your horn when necessary to alert the driver ahead.
4. Pass on the left and do not return to the right lane until you have safely cleared the overtaken vehicle. Wait until you can see the car you have just passed in your rearview mirror before returning to the right lane.
5. Turn on your right turn signal and return to the right lane. Be sure to turn your signal off after you have completed the lane change.



### Passing on the Right

In Texas, you can pass on the right only when conditions permit you to do so safely.

1. The road is clear of parked vehicles or other lane obstructions and is wide enough for two or more lanes in each direction.
2. You are on a one-way road.
3. You may pass on a paved shoulder when the vehicle you are passing is slowing or stopped on the main traveled portion of the highway, disabled, or preparing to make a left turn.

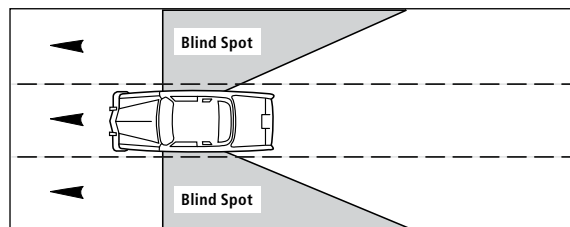
Do not pass on the right by driving off the paved portion of the highway.

### When Another Vehicle is Passing

1. Do not increase your speed.
2. Stay in your lane.
3. Safely move as far to the right as you can when being passed on the left and the lanes are not marked.
4. Make it as safe and easy as possible for the other driver to pass you.

### Blind Spot Driving

When you are passing, do not drive or linger in the other driver's blind spot. Either pass the other driver or slow down so you are not in another driver's blind spot. It is likely the other driver cannot see you if you are in or near their blind spot.



### Turning

Turning a corner appears to be a simple operation. However, many crashes and confusion in traffic are caused by drivers who do not turn properly.

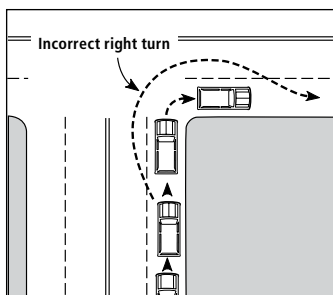
Refer to the diagrams showing the correct method of making right and left turns. There are seven steps in making a safe turn.

1. Decide before you get to the turning point. Never make a last minute turn; it is dangerous.
2. Look behind and to both sides to see where other vehicles are before you change lanes.
3. Move into the proper lane as soon as possible. The faster the traffic is moving, the sooner you should move into the proper lane. If you cannot get into the proper lane within one-half block before turning, do not turn, and continue straight ahead.

4. Give the proper turn signal at least 100 feet before you turn. If using a hand signal, hold the signal until you are close enough to the intersection for others to know your intention. Do not hold the signal while making the turn, you need both hands on the wheel.
5. Slow down to a reasonable turning speed prior to making the turn. Don't use the brake or clutch while turning.
6. To properly execute the turn, stay in the proper turn lane at all times. Make the turn correctly. This will be easy if you are in the proper lane and proceeding slowly enough at the time you begin to turn.
7. Finish the turn in the proper lane.

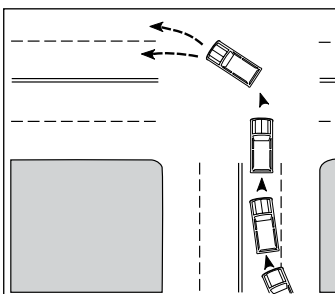
### How to Make a Right Turn

1. Signal for a lane change well ahead of the turning point. When it is safe, move your vehicle to the far right lane.
2. Use your right turn signal and slow down at least 100 feet from the corner.
3. Look both ways before starting to turn.
4. Keep as close as possible to the right edge of the road.
5. Turn using both hands on the wheel.



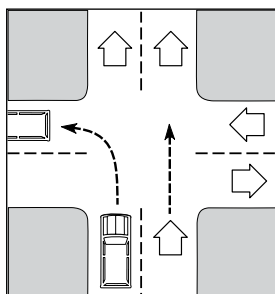
### How to Make a Left Turn

1. Well ahead of the turning point, signal for a lane change. When it is safe, move into the center lane.
2. Use the left turn signal and slow down at least 100 feet from the corner.
3. Look in all directions before starting to turn. Stay to the right of the center line as you enter the intersection. Yield the right-of-way to any vehicle approaching from the opposite direction.
4. To complete a left turn you should turn to the right of the center line of the road into which you are turning by entering the lane in which you will interfere the least with other traffic.
5. Once you have completed your left turn, you may signal and change lanes if necessary.



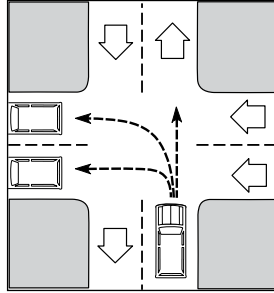
### Making a Left Turn From a One-Way Onto a Two-Way Street

If you are turning left from a one-way street you should turn from the left lane into the right lane, moving in the same direction.



### Making a Left Turn From a Two-Way Onto a One-Way Street

If you are turning left onto a one-way street, enter the street in the lane in which you will interfere the least with other traffic.



### Other Turning Procedures

Watch for pavement markings and signs that:

1. Permit turning right or left from or into two or more traffic lanes
2. Give other special turning or lane information

## Chapter 7: Parking, Stopping, or Standing

Not all crashes happen while a vehicle is moving. An improperly parked vehicle may also cause a crash. When you leave your vehicle, turn the motor off, set the parking brake and remove the key. Be sure to look behind you for any oncoming traffic before opening your car door.

### Do Not Park, Stop, or Stand a Vehicle

In the following situations, you should not park, stop, or allow a vehicle to stand idling:

1. On the road side of any vehicle stopped or parked at the edge or curb of a street
2. On a sidewalk or crosswalk
3. Within an intersection
4. Between a safety zone and adjacent curb or within 30 feet of a place on the curb immediately opposite the end of a safety zone
5. Alongside or opposite of any street excavation or obstruction when stopping, standing, or parking would obstruct traffic
6. On a bridge or other elevated structure on a highway or within a highway tunnel
7. On any railroad track
8. At any place where an official sign prohibits stopping

### Do Not Park or Stand a Vehicle

Whether occupied or not, do not park or allow a vehicle to stand idling:

1. In front of a public or private driveway
2. Within 15 feet of a fire hydrant
3. Within 20 feet of a crosswalk at an intersection
4. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or other traffic control signal located at the side of a road
5. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of entrance
6. At any place where an official sign prohibits parking or standing



### Do Not Park a Vehicle

1. Do not park a vehicle, occupied or not, within 50 feet of the nearest rail of a railroad crossing.
2. Do not park a vehicle at any place where an official sign prohibits parking.

### Parking, Stopping, or Standing on a Highway Outside an Urban Area

Never park or leave a vehicle to stand idling on the paved part of any highway outside of a business or residential district when you can park off the road. If you cannot park off the road:

1. Leave plenty of room for others to pass
2. Be sure your vehicle can be seen for at least 200 feet from each direction
3. If at night, use your parking lights or leave your headlights on dim
4. A person may stop, stand, or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk.

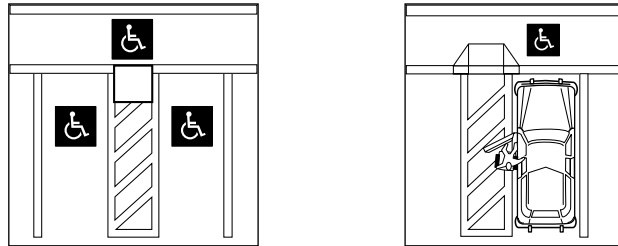
### Disabled Parking

It is a violation for a person to park, stand, or stop a vehicle in a parking space designated as disabled parking. Illegally parking in a space reserved for individuals with disabilities is a misdemeanor punishable by a fine of \$500 to \$750 for the first offense. This fine increases with additional offenses up to \$1,250 for five or more offenses. Additional offenses also include community service.

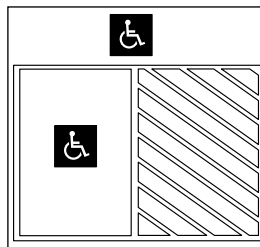
Texas law specifically states:

1. You may not park in a disabled parking space unless the vehicle has a disabled license plate or state issued removable windshield identification card.
2. You may not use a disabled parking windshield identification card unless transporting the disabled person to whom it was issued.
3. You may not lend your windshield identification card to someone else.
4. You may not block an access or curb ramp.
5. You may not make, sell, possess, or display a counterfeit disabled parking windshield identification card, or alter a disabled parking windshield identification card.

Certain municipalities also prohibit stopping or standing in a disabled parking space unless a disabled parking windshield identification card is visible or the vehicle has a disabled license plate.



Do not park in striped areas adjacent to disabled parking spaces or in a striped area in front of an entrance to a business adjacent to a disabled parking space. Striped areas are for wheelchair lifts.



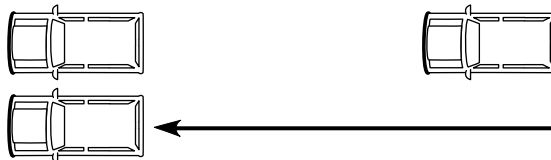
### Unattended Motor Vehicle

It is illegal for any driver to permit their car to stand idling unattended without turning off the engine, locking the ignition, removing the key from the ignition, and setting the brake; and when standing on any grade, without turning the front wheels to the curb or side of the road.

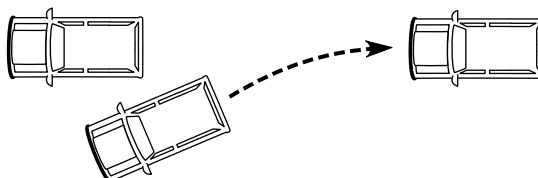
The requirements regarding turning off the engine, locking the ignition, and removing the key do not apply to a driver who starts the engine by using a remote starter or other similar device that remotely starts the engine without the key in the ignition. Before the vehicle can be operated, the key must be placed in the ignition or must be physically present in the vehicle.

### Parallel Parking

1. Choose a space large enough for your car to fit. Signal then stop even with the front of the car about two feet out from the space. To alert drivers who may be behind you be sure to signal before you pass the spot you want to parallel park in.



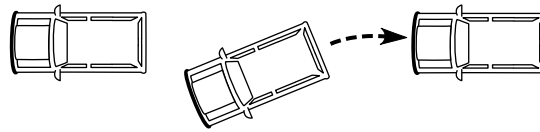
2. Make sure you will not interfere with oncoming traffic then turn your front wheels all the way to the right and back slowly toward the curb.



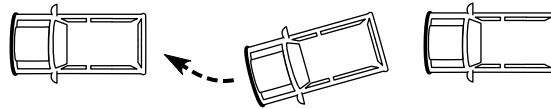
**Special Note:**  
 On a roadway that allows two-way traffic, the driver must park with the vehicle's right-hand wheels within 18 inches of the right-hand curb or edge of the roadway.



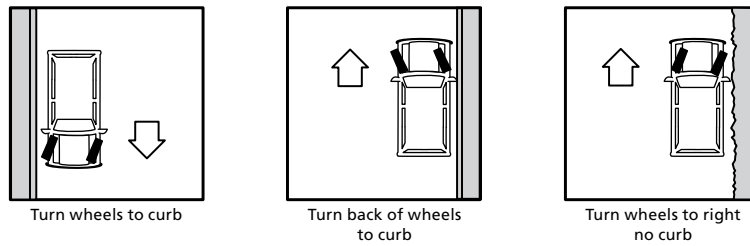
- When your front seat is opposite the rear bumper of the car ahead, turn your steering wheel all the way to the left. Back slowly toward the car behind you without touching it. You should be about six inches from the curb. Do not park more than 18 inches from the curb or edge of the road.



- Straighten your front wheels and pull into the final parking position. Center your car in the space.

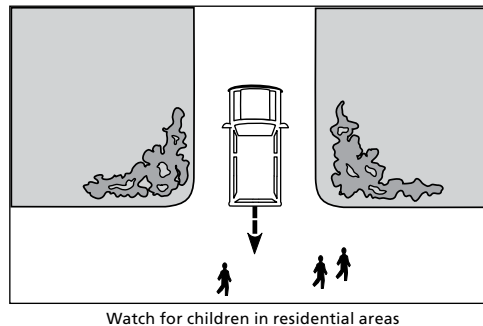


### Parking on Hills



### Leaving a Parking Space

Use caution when leaving any parking space and check all of your mirrors to make sure nothing is obstructing your vehicle's path, especially pedestrians or children. Children often play between parked cars. Look back before and while you're backing up. Be sure to use your signal to notify other drivers you are leaving your current parking spot.



### Coasting

It is illegal to coast on a downgrade with the gears or transmission in neutral.

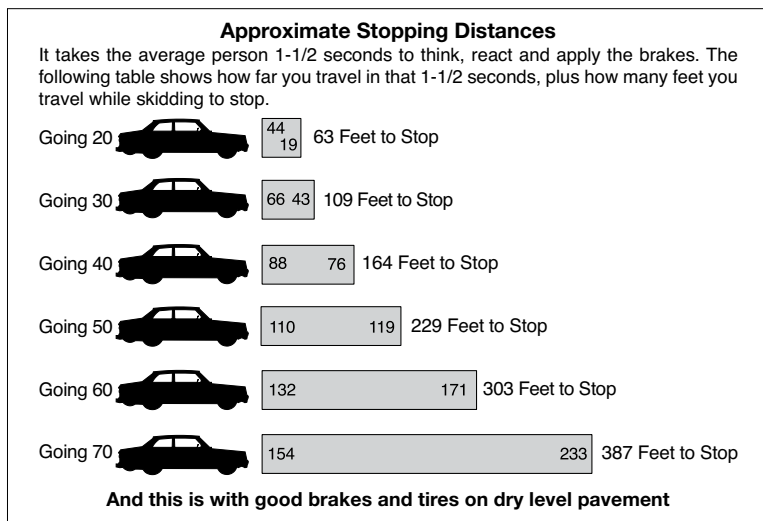
## Chapter 8: Speed and Speed Limits

### Speed

Generally, you should drive at the same speed as the main stream of traffic and always be aware of how fast you are traveling. You must always obey the speed limit and you should consider these best practices below:

**Special Note:**  
 When the vehicle ahead of you passes a fixed object and you reach the same fixed object in less than two seconds, you are following too closely.

1. You should keep a safe distance between your car and the one in front of you. The faster you drive, the greater the distance you should keep from the car ahead of you. For speeds 30 mph or less, the minimum time between your car and the one in front of you is 2 seconds with good road conditions. For speeds above 30 mph, maintain a 4 second gap between cars during good road conditions. During periods of poor road conditions, allow more time. Using a four-second following interval is the best practice for a beginning or less experienced driver.



2. You should adjust your speed and following distance according to your physical condition and the conditions of the vehicle and road. If you are tired or not feeling well, do not drive. Never force yourself to drive.
3. You should know when to slow down and increase the following distance.
  - a. Slow down and increase the following distance when the road is wet. Many drivers find out too late what a small amount of rain can do. Roads become slippery when wet, making your car harder to control. Slow down and make sure you have complete control of the situation at all times.
  - b. Slow down and increase the following distance when the road is crowded.
  - c. Slow down and increase the following distance when your vision is limited. You should always be able to stop within the distance you can see ahead of your car. In the dark or in bad weather, do not over-drive your range of vision.

### Speed Limits

Drivers are required to obey posted minimum and maximum speed limits. These limits are designed to provide for the orderly flow of traffic under normal driving conditions. During periods of heavy traffic, bad weather, low visibility, or other poor driving conditions, you must adjust your speed and following distance to help avoid crashes.

The *Speed Limits* table shows the maximum speed limits for all vehicles under different conditions. Drivers must also be aware cities and counties have the authority to change these limits. Entities that establish or alter a speed limit must establish the same speed limit for daytime and nighttime.

**Table 24: Speed Limits**

Type of Roadway	Speed (MPH)
Urban District	30
Alley	15
Beaches and County Roads adjacent to a public beach (if declared by the commissioners court of the county)	15
Highway numbered by Texas or the U.S. outside an urban district including Farm to Market and Ranch to Market roads	70
Passenger cars, motorcycles, light truck, passenger car or light truck towing a trailer or semi-trailer, truck or truck-tractor, truck or truck-tractor towing a trailer or semi-trailer, buses, school activity bus.	
School Buses which have passed a commercial vehicle inspection.	
Highway not numbered by Texas or the U.S. and outside an urban district:	60
Passenger cars, motorcycles, light truck, passenger car or light truck towing a trailer or semi-trailer, truck or truck-tractor, truck or truck-tractor towing a trailer or semi-trailer, buses, school activity bus.	
School buses that have not passed a commercial vehicle inspection or are traveling on a highway not numbered by Texas or the U.S.	

After meeting certain requirements, the Texas Transportation Commission has the authority to raise the speed limit to 75 mph on parts of the state highway system if the Commission determines the speed limit is a reasonable and safe speed for that section of the highway. The Texas Transportation Commission also has the authority, after meeting certain requirements, to raise the speed limit to not more than 85 mph on a part of the highway if that part is designed to accommodate travel at that speed and the Commission determines that speed is reasonable and safe.

The Texas Transportation Commission may also establish a speed limit of 80 mph on a part of IH-10 or IH-20 in Crockett, Culberson, Hudspeth, Jeff Davis, Kerr, Kimble, Pecos, Reeves, Sutton, or Ward County if the Commission determines 80 mph is a reasonable and safe speed for that section of the highway.

## Slow Down or Move Over

If an emergency medical vehicle, law enforcement vehicle, fire truck, tow truck, or a Texas Department of Transportation vehicle (TxDOT) is stopped on the road with its lights activated (the lights are on or flashing), then the driver is required:

1. To reduce his/her speed to 20 mph below the speed limit; or
2. Move out of the lane closest to the emergency medical vehicle, law enforcement vehicle, fire truck, tow truck or a TxDOT vehicle if the road has multiple lanes traveling in the same direction.

There are other instances where it is important to be observant of vehicles stopped in the road. Mail, delivery, and trash-collection vehicles often make frequent stops in the roadway. Drivers must proceed with caution, and, if possible, change lanes before safely passing one of these vehicles on the road.

## Street Racing

Street racing, also known as drag racing, is illegal and can result in serious injuries or fatalities. Illegal street racers put other drivers at risk because races are typically held on public roads. Due to the high speeds, drivers are unable to react to common road hazards or other driving situations, which often results in crashes.

Illegal street racing also causes unnecessary property damage, including extensive wear on roads (due to the high-powered engines damaging asphalt), which requires costly repairs at the expense to the tax-payer.

According to the National Highway Traffic Safety Administration (NHTSA), in 2012 there were 10,219 speeding-related fatalities nationwide, representing 30% of all motor vehicle fatalities in that year. Of these fatalities, 1,247 (12.2%) occurred in Texas. In 2012, 12% of all speeding-related fatalities occurred on interstate highways.

A person may not participate in:

1. A race;
2. A vehicle speed competition or contest;
3. A drag race or acceleration contest;
4. A test of physical endurance of the operator of a vehicle; or
5. In connection with a drag race, an exhibition of vehicle speed or acceleration, or to make a speed record.

The criminal penalty for a conviction of Speed Racing ranges from a Class B misdemeanor to a second-degree felony.

## Chapter 9: Some Special Driving Situations

Driving at night is much more dangerous than driving during the day. Many people do not see as well at night. When taking a trip, it is safer to drive during daylight hours. Also, never drive when you are tired.

### Headlights

Slow down when driving at night and be sure you can stop within the distance lit by your headlights.

You must use your headlights beginning 30 minutes after sunset and ending 30 minutes before sunrise, or anytime when individuals or vehicles cannot be seen clearly for at least 1,000 feet.

Avoid looking directly into the headlights of approaching vehicles; shift your eyes down to the lower right side of your traffic lane.

Use your low beam headlights when:

1. Within 500 feet of an approaching vehicle
2. Following closely (within 300 feet) behind another vehicle
3. Driving on lighted roads
4. Driving in fog, heavy rain, sleet, snow, or dust

If you must park on an unlighted highway at night, leave your parking lights or low beam headlights on.

### Highway Driving

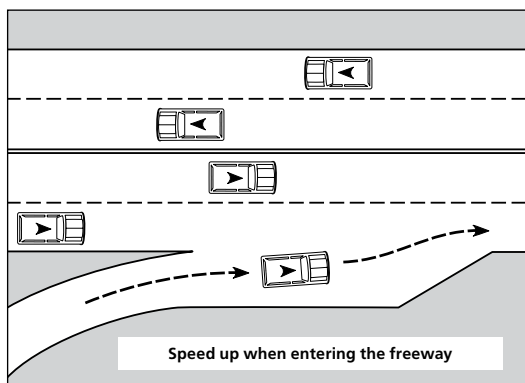
Freeways, toll-roads, throughways, turnpikes, and expressways are designed for maximum safety, but you must know how to use them properly. In Texas, a highway is defined as the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.

#### Before Using a Highway

Plan your trip in advance so you know your entrance, direction, and exit. Make sure you and your car are in good condition. If you cannot or do not want to drive at or above the minimum speed limit, do not use the highway.

#### Entering the Highway

1. You must yield the right-of-way to vehicles already on the highway.
2. Enter the speed change lane, stay to the right, signal left, and when it is clear, increase your speed to merge with the flow of traffic.



#### Driving on the Highway

##### Choose the Proper Lane

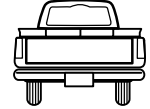
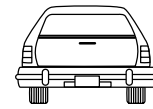
1. Use the right lane to drive at the minimum posted speed limit or below the normal flow of traffic.
2. Use the middle or left lane if you are traveling faster than other traffic or passing other vehicles.
3. If you plan to leave the freeway soon, change to the exit lane as soon as possible.

### Observe Specific Instructions

Observe specific instructions indicating the lane you should drive in.

#### Once You are in the Proper Lane

1. Stay in the middle of your lane.
2. Do not weave in and out of traffic.
3. Maintain a constant speed. Keep pace with the traffic. Don't speed up and slow down unnecessarily.
4. Stay at least two seconds behind the vehicle ahead of you. In bad weather, increase the time to at least four seconds. Watch the cars ahead of you. Be prepared if one of the cars ahead of you stops suddenly.
5. Adjust your speed to allow others to enter the highway safely.
6. Vehicles in any lane, except the right lane used for slower traffic, should be prepared to move to another lane to allow faster traffic to pass.



### Leaving the Highway

1. Move into the proper lane well in advance of the exit. The greater the amount of traffic the earlier you should move into the proper lane. Exit signs are usually placed at least 1,000 yards ahead of the exit.
2. Slow down on the exit ramp so by the time you are off the highway, you are within the new, slower speed limit.

### Fight Highway Hypnosis

A condition of drowsiness or unawareness can be brought on by reduced activity and steady sounds of wind, engine, and tire hum. This is known as highway hypnosis. All drivers should be aware of its danger and of the methods for fighting it.

1. Stop often. Even if you are feeling well you should stop at least every two hours or every 100 miles. Get out of your car and walk around. Allow your muscles to relax.
2. Do not drive more than eight hours per day.
3. Keep shifting your eyes. Look at different objects; near and far, left and right. Read the road signs as you approach them. Check your rearview mirror.

### Highway Safety Tips

1. Keep a window open so there is always fresh air in the car to help keep you alert and awake.
2. On bright days, wear good sunglasses. Never wear sunglasses at night.
3. Stay out of another driver's blind spot. Traveling where the driver ahead of you cannot see your vehicle can be dangerous. Stay behind or go around the other vehicle. Do not follow to the side.
4. Avoid using a cell phone while driving; use may cause distraction and driver inattention. If you must use a cell phone, safely pull off the road or use a hands-free headset. If you are under 18 years of age it is illegal to use a cell phone while driving even if it is a hands-free device except in the case of emergency.

### Vehicle Breakdown

1. If you can't get the car off the road, get everyone out of the car and off the road. Portable warning devices should be used to warn oncoming traffic.
2. Move your car off the pavement to the side of the road. A car with a flat or blowout can be driven slowly off the road.
3. Turn on your emergency warning lights. If you do not have warning lights, use your taillights. At night, in addition to your taillights and warning lights, turn the lights on inside of the car.
4. Tie a white cloth to your radio antenna, door handle, or some other place where it may be easily seen. If you do not have a white cloth, raise your hood.

## Controlling a Car in Special Situations

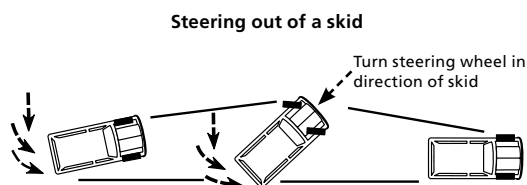
There is one basic rule which applies in all driving situations, **think** before you **act**.

### Steering Out of a Skid

An automobile skids when its tires lose their grip on the road surface. If the car starts to skid follow these safety tips.

1. Do not hit the brakes suddenly and hard. Take your foot off the gas pedal (accelerator).
2. Turn your steering wheel in the direction of the skid. As you recover control, gently straighten the wheels.

3. Avoid a situation that could cause a skid by slowing down when the road and weather conditions are poor. Also, check your car's tires. Old or worn tires that have minimal or damaged tread are dangerous. (In the illustration below, the direction of the skid is to the right.)



### Brake Failure

If your car brakes fail, do not panic. Remember you can use your parking brake and shift to a lower gear. Apply your parking brake cautiously to keep from locking the brakes and throwing your car into a skid.

### Running Off the Pavement

If something causes you to swerve and run off the pavement:

- Do not hit the brakes suddenly and hard. Grip the steering wheel tightly and take your foot off the gas pedal.
- Use your brakes carefully and do not swing back onto the pavement. Wait until your speed is reduced, check the traffic behind you, and then carefully drive back onto the pavement.

### Flat Tire or Blowout

If you have a flat tire or a blowout:

- Do not hit the brakes suddenly and hard
- Take your foot off the gas pedal and gently apply the brakes
- Steer straight ahead to a stop

### Driving Down a Steep Hill

When driving down a steep hill, you can shift your car into a low gear to help slow your vehicle. Never coast in neutral or for cars with a standard transmission, never coast with your foot on the clutch.

## Winter Driving

Most drivers realize winter creates additional hazards, but many drivers don't know what to do about it. Here are a few precautions you should follow during winter.

**Table 25: Winter Driving Safety Tips**

Safety Tip	Explanation
Maintain a safe interval	Increase the distance from the vehicle ahead of you according to the conditions of the pavement. Many rear-end collisions occur on icy streets because drivers don't leave space to stop. Snow tires will slide on ice or packed snow. To keep safe you must keep your distance.
Reduce speed to correspond with conditions	There is no such thing as a "safe" speed range at which you may drive on snow or ice. You must be extremely cautious until you are able to determine how much traction you can expect from your tires. Avoid locking of brakes on ice as it will cause a loss of steering and control. Every city block and every mile of highway may be different, depending upon sun or shade and the surface of the road.
Keep windows clear	Remove snow and ice before you drive, even if you're just driving a few miles. Make certain the windshield wipers and defroster are working properly.
Watch for danger spots ahead	There may be ice on bridges when the rest of the pavement is clear. Snow melts more slowly in shady areas. Take precautions when approaching turns.
Get a feel for the road	Start out very slowly. It is useless to burn the rubber off your tires by spinning the wheels. Test your brakes gently after the car is in motion to determine how much traction you have. Start slowing down before you come to a turn.
Equip your vehicle with chains or snow tires	Chains are the most effective and should be used where ice and snow remain on the road. One word of caution, neither chains nor snow tires will permit you to drive on slick pavement at normal speeds so don't get a false feeling of security.

## Roundabouts

### Modern Roundabout

A modern roundabout is a one-way, circular intersection where traffic flows counter clockwise around a center island. Modern roundabouts use yield signs rather than traffic lights to control vehicles entering the intersection. This intersection design only has eight potential conflict points, opposed to a traditional "four-way" signalized intersection which has 32 potential conflict points.

### Driving in a Modern Roundabout

To drive in a modern roundabout, follow these simple steps: slow down as you approach the intersection, yield to traffic already in the circle, enter the circle and follow the loop in a counter clockwise direction, and then make a right turn to exit the roundabout. Road signs, pavement markings and its design help guide drivers through a modern roundabout.



### Advantages of a Modern Roundabout

A modern roundabout can help save driver and pedestrian lives, as well as greatly reduce the number and severity of crashes. A modern roundabout saves commute time by increasing traffic capacity 30% to 50% even with vehicles traveling at slower speeds. The community also benefits from a safer intersection that lasts more than twice as long as traffic lights that have to be installed, maintained, adjusted, and repaired. There is also a reduction in air pollution and an increase in fuel savings because vehicles are not idling at traffic lights.

Source: Texas Department of Transportation (TxDOT)

## Floods

Floods are one of the most common hazards in the U.S. Nearly half of all flash flood fatalities are vehicle-related.

These are the facts:

- Six inches of water will reach the bottom of most passenger cars, causing loss of control and possible stalling.
- Twelve inches of water will float many cars.
- Two feet of rushing water will carry away pick-up trucks, SUVs, and most other vehicles.
- Water across a road may hide a missing segment of roadbed or a missing bridge. Roads weaken under floodwater and drivers should proceed cautiously after waters have receded since the road may collapse under the vehicle's weight.

National Weather Service and Texas Division of Emergency Management officials say if your vehicle stalls in floodwater, get out quickly and move to higher ground. Better yet, when there's water on the road, Turn Around Don't Drown. Saving your life is as simple as choosing an alternate route.



For more information on Turn Around Don't Drown, visit [www.srh.weather.gov](http://www.srh.weather.gov) or on Federal Alliance for Safe Homes (FLASH), visit [www.flash.org](http://www.flash.org).

**Mailing Address:** National Weather Service  
Southern Region Headquarters  
819 Taylor Street  
Fort Worth, TX 76102

Source: The materials from Turn Around Don't Drown were used with permission from the Southern Regional Headquarters, NOAA, per Larry Eblen (Larry.Eblen@noaa.gov) and Walt Zaleski, (Walt.Zaleski@noaa.gov), Warning Coordination Meteorologist Program, Manager NWS, Southern Region Headquarters, Fort Worth, Texas.



## Share the Road with Trucks (Large trucks and truck-tractor combinations)

Whether you are sharing the road with a passenger car, motorcycle, truck, bus, or other vehicle, it is important to obey traffic laws, abide by the rules of the road, and drive defensively. Trucks are designed to carry products to and from towns and cities; they are designed to be as maneuverable as cars. Trucks have longer stopping and accelerating distances, a wider turning radius, and weigh more.

### Passing

1. When passing a truck, first check to your front and rear, check mirrors and blind spots, then move into the passing lane only if it is clear and you are in a legal passing zone. Let the truck driver know you are passing by flashing your headlights, especially at night. The truck driver should make it easier for you to pass by staying to the far side of the lane.
2. On a level highway, it takes three to five seconds longer to pass a truck than a car. On an upgrade, a truck often loses speed so it's easier to pass than a car. On a downgrade, the truck's momentum causes the truck to go faster so you may need to increase your speed. Complete your pass as quickly as possible and don't stay alongside the other vehicle.
3. If the driver flashes the truck's lights after you pass, it's a signal that it is clear for you to pull back in front of the truck. Be sure to move back only when you can see the entire front of the truck in your rearview mirror. After you pass a truck, maintain your speed.
4. When a truck passes you, help the truck driver by keeping to the far side of your lane. You'll make it easier for the truck driver if you slightly reduce your speed. Don't speed up while the truck is passing. After passing, the truck driver should signal to let you know he is returning to your lane.
5. When you meet a truck coming from the opposite direction, keep as far to the side as possible to avoid a sideswipe crash and to reduce the wind turbulence between the two vehicles. Remember, turbulence pushes vehicles apart; it does not pull them together.

### Following a Truck

1. Tractor-trailers take longer to stop than a car traveling at the same speed. The average passenger car traveling at 55 mph can stop in approximately 240 feet, which is about three-fourths the length of a football field. A fully loaded tractor-trailer may take more than 400 feet to completely stop; well over the length of a football field.
2. If you're following a truck, stay out of its blind spot at the rear. The blind spot is the area behind the truck that the driver cannot see in his rearview mirrors. Avoid following too closely, and position your vehicle so the truck driver can see your vehicle in the truck's side view mirror. An excellent rule of thumb for motorists sharing the road with a tractor-trailer is, "If you can't see the truck driver in his side mirror, he can't see you." By avoiding the truck driver's blind spot, you will have a good view of the road ahead, and the truck driver can give you plenty of warning for a stop or a turn. This will allow you more time to react and make a safe stop.
3. When you follow a truck at night always dim your headlights. Bright lights from a vehicle behind will blind the truck driver when the lights reflect off the truck's large side mirrors.
4. If you are stopped behind a truck on an upgrade, leave space in case the truck drifts back when it starts to move. Also, keep to the left in your lane so the driver can see you're stopped behind the truck.

### Right Turns

Pay attention to turn signals. Trucks make wide, right turns and sometimes leave an open space to the right just before the turn. To avoid a crash, don't pass a truck on the right if there is a possibility the truck might make a right turn.

### Backing Crashes

Never cross behind a truck preparing to back up. When a truck driver is preparing to back the truck from a road into a loading area, the road is temporarily blocked. Wait for the truck to complete its maneuver before trying to pass. If you pass too closely behind the truck, a crash may occur because you are in the truck's blind spot.

### Maneuverability

On multi-lane highways, tractor-trailers stay in the center lane to help the flow of local traffic on and off the highway. Staying in the center lane also increases the truck driver's options if he/she has to switch lanes to avoid a crash. Be aware of common mistakes drivers should avoid when driving around trucks and buses.

### Cutting Off a Vehicle to Reach Your Exit or Turn

Never cut in front of a truck. Cutting into the open space in front of a truck or bus removes the driver's cushion of safety. Trying to beat a truck to a single-lane construction zone represents a particularly dangerous situation. Either slow down and exit or stay behind the truck.

### **Never Underestimate the Size and Speed of an Approaching Tractor-trailer**

Because of its large size, a tractor-trailer often appears to be traveling at a slower speed than it is. A substantial number of car-truck collisions take place at intersections because the driver of the car does not realize how close the truck is or how quickly it is approaching.

### **Share the Road with Motorcycles**

Individuals who operate a motorcycle have the same rights and privileges as any other vehicle on the road.

For various reasons drivers may not see the motorcyclist, and approximately one-half of all motorcycle crashes involve another vehicle. According to the National Highway Traffic Safety Administration, motorcyclists are about 35 times more likely to die in a traffic crash than passenger car occupants. A few of the most common reasons are provided below.

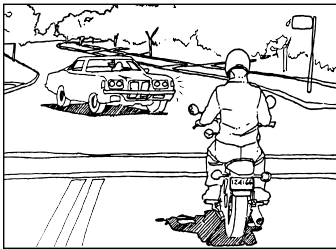
1. Many drivers tend to look for other cars, not for motorcyclists.
2. The profile of a motorcycle is much smaller than the profile of a car, making an approaching motorcyclist harder to see.
3. Estimating the distance and speed of a motorcycle is more difficult than it is for a car.
4. Motorcycle riding requires frequent lane movements to adjust to changing road conditions.
5. Distracted driving, such as texting or talking on a cell phone.

#### **Situations When Crashes Are Most Likely to Occur**

Motorcycle crashes are most likely to occur in the high-risk situations described below.

##### **Left Turns**

The most common crash between cars and motorcycles is at an intersection when the driver of a car is making a left turn in front of a motorcycle. Over 40 percent of all motorcycle crashes occur at intersections. Nearly 66 percent of those crashes were caused by the other vehicles turning left in front of the motorcyclist.



##### **A Car's Blind Spot**

Motorcyclists are often hidden in a vehicle's blind spot or missed in a quick look due to their smaller size. Always make a visual check for motorcycles by checking mirrors and blind spots before entering or leaving a lane of traffic and at intersections.

##### **Hazardous Road Conditions**

Road conditions that are a minor annoyance to you may pose a major hazard to motorcyclists. Motorcyclists may suddenly change speed or adjust their position within a lane in reaction to changes in the weather, road, or traffic conditions. This may include potholes, gravel, railroad crossings, and wet or slippery surfaces which impair the motorcyclists' braking and handling

abilities. Expect and allow room for such actions by the motorcyclist.

##### **Strong Winds**

A strong gust of wind can move a motorcycle across an entire lane if the rider isn't prepared for it. Wind gusts from large trucks in the other lane can also be a hazard.

##### **Large Vehicles**

A large vehicle such as a van, bus, or truck can block a motorcycle from a driver's view and the motorcyclist may seem to suddenly appear from nowhere.

#### **Motorcycle Driving Awareness**

##### **Look Out for Motorcyclists**

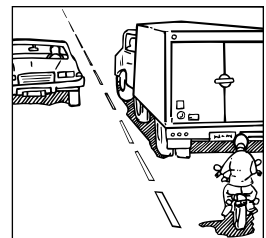
Although you may not see any cars, be aware there may be a motorcycle. Be careful at intersections, and always take a second look for a motorcycle before turning at an intersection, particularly when making left turns.

##### **Signal Your Intentions**

Always signal before changing lanes or merging with traffic. This allows the motorcyclist to anticipate traffic flow and find a safe lane position. Signal even if you don't see cars or motorcycles. Be careful when making left turns across lanes of approaching traffic. Look carefully in all directions for approaching motorcyclists. Don't be fooled by a flashing turn signal. Motorcycle signals usually are not self-canceling and riders sometimes forget to turn them off. Wait to be sure the motorcycle is going to turn before you proceed.

##### **Respect a Motorcycle**

Allow the motorcyclist a full lane width. Although it may seem as though there is enough room in the traffic lane for an automobile and a motorcycle, the motorcycle is entitled to a full lane and may need the room to maneuver safely. Do not attempt to share the lane with a motorcycle.



### Allow Plenty of Space When Following a Motorcycle

The slightest contact can mean a spill or injury for the rider. Allow more following distance, at least four to six seconds, when following a motorcycle so the motorcyclist has enough time to maneuver or stop in an emergency. Stop a safe distance behind the motorcyclist at intersections, signals, or crossings. A full vehicle length is recommended to help prevent impact with the motorcycle should your vehicle suffer a rear end collision. In dry conditions motorcycles can stop more quickly than a car, so being aware and alert at all times can help prevent a collision.

**Special Note:**  
 If you drive aware of motorcyclists in these situations, you can help make the streets and roads safer for everyone.

### DPS Motorcycle Operator Training Program

The DPS Motorcycle Operator Training and Safety Program was created in 1983 by the legislature to improve rider skills and reduce the number and severity of motorcycle crashes in Texas. A portion of each motorcycle license fee is used to support this program. The program develops curriculum and monitors motorcycle training classes throughout the state and promotes motorcycle safety and awareness through campaigns, exhibits, and materials.

Contact Motorcycle Safety at [www.dps.texas.gov/msb](http://www.dps.texas.gov/msb) or call (800) 292-5787. Residents in the Austin area can call (512) 424-2021 for information about motorcycle safety or to locate the nearest training location.

## Share the Road with Light Rail

In recent years, light rail has been established in many major cities in Texas. As you travel these areas, you may notice these trains move along the streets just like other vehicles. Light rail is very quiet; and, in fact, quieter than most buses and cars. So whether you are riding light rail or just walking or driving near the train or tracks, it's important to stay alert and observe the safety rules.

Table 26: Safety Rules for Light Rail

Action	Description
Stop	<ul style="list-style-type: none"> <li>- Don't walk in front of, between, or behind a train.</li> <li>- Trains can't start or stop quickly regardless of traffic flow.</li> <li>- Do not drive, stop, or park your vehicle on the tracks. It's dangerous and illegal.</li> </ul>
Look	<ul style="list-style-type: none"> <li>- Cross the tracks only at designated crossings and only when it is safe.</li> <li>- Look both ways before crossing the tracks. Trains travel in both directions.</li> <li>- Obey all warning signs, flashing lights, signals, and crossing gates. A law enforcement officer will issue tickets to violators.</li> </ul>
Listen	<ul style="list-style-type: none"> <li>- Stay alert. Light rail is quieter than a bus or most cars. You may not hear a light rail coming.</li> <li>- Listen for train horns and signal bells.</li> <li>- Always follow instructions from a law enforcement officer.</li> </ul>
Don't	<ul style="list-style-type: none"> <li>- Never race a train, run in front of a train, or put anything on or near the tracks.</li> <li>- Never try to beat the train to a crossing. Even in a tie, you lose.</li> <li>- Never drive around crossing gate arms.</li> </ul>

## Share the Road with Bicycles

A bicycle is a vehicle. Any person riding a bicycle has all of the rights and responsibilities as a driver of a vehicle.

### Rules for Motorists and Bicyclists

1. Bicyclists are not restricted to the right lane of traffic. One-way, multi-lane streets are one example of this. Another instance is when the bicyclist is changing lanes to make a left turn. The bicyclists should follow the same path any other vehicle would take traveling in the same direction.
2. A motorist should merge with bicycle traffic when preparing for a right turn. Avoid turning directly across the path of bicycle traffic.
3. Bicyclists are required to ride as far to the right in the lane as possible only when the lane can be shared safely by a car and a bicycle, side-by-side. Even then there are certain conditions which allow a bicyclist to take the full lane.
  - a. The bicyclist is overtaking and passing another vehicle proceeding in the same direction.
  - b. The bicyclist is preparing for a left turn at an intersection or onto a private road or driveway.
  - c. There are unsafe conditions in the road such as fixed or moving objects, parked or moving vehicles, pedestrians, animals, potholes, or debris.
  - d. The lane is of substandard width making it unsafe for a car and a bicycle to safely share the lane side-by-side. When this is the case, it is best for the cyclist to take the full lane whether riding single file or two abreast.

### Car-Bicycle Crashes

Be on the lookout for cyclists on the road, especially at intersections. The most common car-bicycle crashes caused by a motorist are:

1. A motorist turns left in front of oncoming bicycle traffic. Oncoming bicycle traffic is often overlooked or its speed misjudged.
2. A motorist turns right across the path of the bicycle. The motorist should slow down and merge with the bicycle traffic for a safe right turn.

3. A motorist pulls away from a stop sign and fails to yield the right-of-way to bicycle cross traffic. At intersections, the right-of-way rules apply equally to motor vehicles and bicycles.

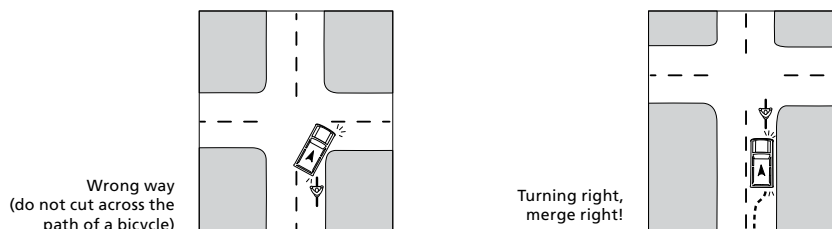


Image source: Some images in this chapter are courtesy of The MUTCD, 2009 Edition, published by FHWA at [mutcd.fhwa.dot.gov/pdfs/2009/pdf\\_index.htm](http://mutcd.fhwa.dot.gov/pdfs/2009/pdf_index.htm)

## Distracted driving

Whenever you are driving a vehicle and your attention is not on the road, you're putting yourself, your passengers, other vehicles, and pedestrians in danger. Distracted driving can result when you perform any activity that may shift your full attention from the driving task. Taking your eyes off the road or hands off the steering wheel presents obvious driving risks. Mental activities that take your mind away from driving are just as dangerous. Your eyes can gaze at objects in the driving scene but fail to see them because your attention is distracted elsewhere.

Activities that can distract your attention include: texting, talking to passengers, adjusting the radio, CD player or climate controls; eating, drinking or smoking; reading maps or other literature; picking up something that fell; reading billboards and other road advertisements; watching other people and vehicles including aggressive drivers; talking and/or texting on a cell phone or CB radio; using telematics devices (such as navigation systems, pagers, etc.); daydreaming or being occupied with other mental distractions.

If drivers react a half-second slower because of distractions, crashes double. Some tips to follow so you won't become distracted:

- Review and be totally familiar with all safety and usage features on any in-vehicle electronics, including your wireless device or cell phone, before you drive.
- Pre-program radio stations.
- Pre-load you favorite CDs or cassette tapes.
- Clear the vehicle of any unnecessary objects.
- Review maps and plan your route before you begin driving.
- Adjust all mirrors for best all-round visibility before you start your trip.
- Do not attempt to read, text, or write while you drive.
- Avoid smoking, eating and drinking while you drive.
- Don't engage in complex or emotionally intense conversations with other occupants.

You need to be able to recognize other drivers who are engaged in any form of driving distraction. Not recognizing other distracted drivers can prevent you from perceiving or reacting correctly in time to prevent a crash. Watch for:

- Vehicles that may drift over the lane divider lines or within their own lane.
- Vehicles traveling at inconsistent speeds.
- Drivers who are preoccupied with maps, food, cigarettes, cell phones, or other objects.
- Drivers who appear to be involved in conversations with their passengers.

Give a distracted driver plenty of room and maintain your safe following distance.

Be very careful when passing a driver who seems to be distracted. The other driver may not be aware of your presence, and they may drift in front of you.

## Texting While Driving

It is against the law to read, write, or send messages on a cell phone or other portable wireless device. If your cell phone rings, do not answer the call or respond to the text message. Convictions for violations of this law are subject to fines.

You may use a cell phone to contact law enforcement, or during an emergency. If you must make a call, pull safely off the road and make the call. Try to keep the conversation short, or have a passenger make the call for you, if possible.

## Chapter 10: Alcohol and Drug Impact on the Driving Ability

Any drug may affect a person's ability to drive. Millions of people take over the counter and prescription medications, illegal drugs, or drink alcohol and do not realize they may affect the mental and physical (psychomotor) skills necessary to operate a vehicle and/or react to external events while driving a vehicle.

Each individual is different. Driving skills of persons taking the same drug may be affected differently. A driver's body weight, emotional state, amount of drug taken, and when the drug was taken will influence the driver's ability to assess an emergency situation or judge speed and distance. Safe driving always requires an observant eye, a steady hand, and a clear head.

When a person drinks alcohol or uses drugs, one of the first affects is they lose their judgement and their sight is impaired, causing slower reactions to sounds and the inability to judge another vehicle's speed. A person's ability to reason can all but disappear. Good judgment may be as simple as saying no to a friend who wants to race their car. However, if a person has been drinking alcohol or they are under the influence of drugs, their judgment may turn into, "Sure, take my car."

Taking more than one drug at the same time is even more dangerous since drugs may have a different overall cumulative effect, especially when alcohol is involved. Besides escalating the overall effects of the other drugs, alcohol can also mask the effects of those drugs, increasing a person's risk of poor decision making and/or slowing responsive reactions to situations. You should always check with a doctor or pharmacist before taking more than one type of drug or mixing drugs, especially tranquilizers or sedatives.

**Table 27: Alcohol and Other Types of Drugs**

Type	Description
Marijuana	Research shows even typical social doses of marijuana can affect concentration, judgment, and sensory and perceptual skills needed for careful driving. People who are under marijuana influence have impaired sensory and perceptual abilities.
Stimulants	Heavy amphetamine use may keep drivers awake and active for long periods of time. It also makes them less coordinated, edgy, and is more likely to be involved in a car crash. Research shows typical social amounts of cocaine can produce lapses in attention and concentration. While caffeine can help drowsy drivers stay alert, it can't make a drunk driver sober. Studies show ordinary amounts of caffeine don't improve a drunk driver's ability to operate a vehicle.
Tranquilizers / Sedative-Hypnotics	Tranquilizers/Sedative-hypnotic drugs, including barbituates, are powerful depressants, which calm people down or help them sleep. Tired or over-sedated drivers are not good drivers.
Over-the-counter drugs	Many over-the-counter drugs cause drowsiness in some people which can affect their driving. Read the labels and be careful with antihistamines, other cold preparations, or any medicine that relaxes or promotes sleep.
Any drug	Any drug might affect your ability as a driver. If you take more than one drug or if you mix drugs, especially tranquilizers or other sedative-hypnotics with alcohol, you could be asking for trouble on the road and off. If you have doubts about a drug or drug mix, check with a doctor or pharmacist.
Alcohol	Each year alcohol, a depressant drug affecting coordination, judgment, perception, and emotional state, is responsible for a significant number of highway deaths. Alcohol increases the depressant effects of tranquilizers and barbiturates. Mixing these drugs, on or off the road, can be hazardous.

### The Number One Killer is Alcohol

Driving While Intoxicated (DWI) is a problem affecting all Texans. According to the Calendar Year 2014 *Texas Motor Vehicle Traffic Crash Highlights* (Texas Department of Transportation), 1041 persons were killed in a motor vehicle traffic crash with a driver under the influence of alcohol. Alcohol related crashes represent 29% of the total number of persons killed in motor vehicle traffic crashes.

According to the Centers for Disease Control and Prevention, the leading cause of death for U. S. teens is motor vehicle crashes. In 2011, approximately 2650 teens (aged 16-19) were killed and almost 292,000 were treated in emergency departments for injuries suffered in motor-vehicle crashes. That means seven teens aged 16-19 died every day from motor vehicle injuries.

In 2013, Texas had the highest number of alcohol impaired driving fatalities in the United States, and 17% of drivers aged 16 to 20 involved in fatal crashes had a blood alcohol concentration (BAC) of 0.08 or higher. Not all teens involved in fatal crashes were drinking. Some were passengers or innocent victims of people who drink and drive. Maybe one of those injured or killed was a family member or your best friend. It could have been you.

To make Texas safer, the Texas legislature enacted laws to deter people from drinking and driving by penalizing those who choose to drink and drive. In Texas, a person is considered legally intoxicated if the person has a BAC of 0.08 or more. Driving While Intoxicated (DWI) and Driving Under the Influence (DUI) arrests can be a humiliating experience and are costly. Some fines range as high as \$10,000 not including the cost of a bail bondsman, attorney, or other court-required expenses. Is it worth the risk?

### Open Container

It is illegal to possess an open container of alcohol in a motor vehicle passenger area located on a public highway, regardless of whether the vehicle is being operated, stopped, or parked. Conviction of this offense is punishable by a fine not to exceed \$500.

### Myths about Drinking Alcohol

Taking cold showers, drinking black coffee, or exercising will not make a person sober. Only time, based on body weight, number of drinks, and food intake can minimize the effects of alcohol. It takes about one hour for the body to rid itself of each drink consumed. If a person has been drinking someone who has not been drinking should drive.

## Texas Tough Alcohol-Related Laws for Minors

### Zero Tolerance for Minors

According to the Texas Alcohol Beverage Code, a minor is any individual who is under 21 years of age. A minor may not purchase, attempt to purchase, consume, or possess an alcoholic beverage. Since a minor should not possess alcohol, Texas passed zero tolerance legislation for minors who commit an offense under the non-driving alcohol-related laws and for minors who drive under the influence.

Zero tolerance means just that. Even if a minor is not intoxicated as defined under the DWI statute, but has any detectable amount of alcohol in his/her system while operating a motor vehicle in a public place or while operating a watercraft, the minor committed the criminal offense of Driving Under the Influence of Alcohol by a Minor (see Table 31).

### Penalties for Non-Driving Alcohol-Related Offenses by Minors

The Texas Zero Tolerance law established penalties for minors who commit offenses under the non-driving alcohol-related offenses. A minor may not purchase, attempt to purchase, falsely state he/she is 21 years of age or older, or present any document indicating he/she is 21 years of age or older to a person engaged in the selling or serving of alcoholic beverages. A minor may not consume, or possess an alcoholic beverage. Persons who purchase, furnish, or sell alcohol to a minor can be fined of up to \$4,000 and/or confined in jail for up to one year.

**Table 28: Penalties for Non-Driving Alcohol-Related Offenses – Minors**

Offense	Penalty
1st offense	Class C misdemeanor punishable by a fine of up to \$500, 8 to 12 hours of community service, mandatory attendance of an alcohol awareness course, and license will be suspended (or privilege denied if not licensed) for 30 days. If the minor is under 18, the parent may be required to also attend the alcohol awareness course.
2nd offense	Class C misdemeanor punishable by a fine of up to \$500, 20 to 40 hours of community service, may be required to attend an alcohol awareness course, and license will be suspended (or privilege denied if not licensed) for 60 days.
3rd offense (Under 17 years of age)	Class C misdemeanor punishable by a fine of up to \$500, 20 to 40 hours of community service, may be required to attend an alcohol awareness course, and license will be suspended (or privilege denied if not licensed) for 60 days or case can be transferred to Juvenile Court.
3rd offense (17 to 21 years of age)	Class B misdemeanor punishable by a fine of \$250 to \$2,000, 40 to 60 hours of community service, may be required to attend an alcohol awareness course, confinement in jail not to exceed 180 days, and license will be suspended (or privilege denied if not licensed) for 180 days. Minors are not eligible for deferred disposition or adjudication on the third conviction and every conviction after.

In addition to the above penalties, if a minor is convicted of any moving vehicle violation while suspended due to a non-driving alcohol-related offense (listed above) they are subject to the penalties of Driving While License Invalid (DWLI).

### Implied Consent Laws for Minors

A minor implies their consent to take one or more breath or blood specimen for analysis if they are arrested for operating a motor vehicle or watercraft in a public place while intoxicated, or if there is any detectable or noticeable amount of alcohol in their system while operating a motor vehicle in a public place as deemed by an officer. The breath or blood specimen will determine if alcohol is present in their body. It will also identify the amount of alcohol in their system. Additionally, the breath or blood specimen can identify the presence of any other controlled substances or drugs.



Refusal to provide a breath or blood specimen will result in the suspension of the minor's license or driving privileges if not licensed.

**Table 29: Penalties for Refusal to Provide a Specimen - Minors**

Offense	Penalty
1st offense	Driver license suspended (or privilege denied if not licensed) for 180 days.
2nd and subsequent offenses	Driver license suspended (or privilege denied if not licensed) for 2 years.

A minor who gives a breath or blood specimen that confirms he/she has been operating a motor vehicle in a public place with any detectable amount of alcohol in his/her system and the amount is below the 0.08 BAC legal limit of intoxication will have his/her license suspended or driving privilege denied if not licensed.

**Table 30: Minor Provided Specimen Confirming Detectable Amount of Alcohol (failure)**

Offense	Penalty
1st offense	Driver license suspended (or privilege denied if not licensed) for 60 days.
2nd offense	Driver license suspended (or privilege denied if not licensed) for 120 days.
3rd and subsequent offenses	Driver license suspended (or privilege denied if not licensed) for 180 days.

A minor may request a hearing before a hearing officer to contest the suspension.

**Table 31: Penalties for Driving Under the Influence (DUI) of Alcohol and Drugs– Minors**

Offense	Penalty
1st offense	Class C misdemeanor punishable by a fine of up to \$500, community service of 20 to 40 hours, and attendance in an alcohol awareness course is required. If the minor is under 18, the parent may be required to also attend the course.
2nd offense	Class C misdemeanor punishable by a fine of up to \$500, community service of 40 to 60 hours. The alcohol awareness course may be required.
3rd offense (under 17 years of age)	Class C misdemeanor punishable by a fine of up to \$500, community service of 40 to 60 hours., The alcohol awareness course may be required or the case can be transferred to Juvenile Court as delinquent conduct.
3rd offense (17 to 21 years of age)	Class B misdemeanor punishable by a fine of \$500 to \$2,000 and/or confinement in jail not to exceed 180 days, community service of 40 to 60 hours, an alcohol awareness class may be required, and the minor's license will be suspended (or privilege denied if not licensed) for one year or for 90 days with a judge's order to install an ignition interlock device. The court may not give deferred disposition or adjudication on the third offense.

See Table 29 and Table 30 for the applicable suspension periods

In Texas, as a reminder, a person is considered legally intoxicated if they have a blood alcohol concentration (BAC) of 0.08 or more.

**Table 32: Penalties for Driving While Intoxicated (Alcohol) – Minors**

Offense	Penalty
1st offense	Class B misdemeanor punishable by a fine not to exceed \$2,000, confinement in jail for 72 hours to 180 days, and suspension of the driver license (or privilege denied if not licensed) for 365 days, or for 90 days with a judge's order to install an ignition interlock device. The court may probate the jail sentence and waive the license suspension on the first offense only. Possession of an open container of an alcoholic beverage increases the minimum confinement to six days.
2nd offense	Class A misdemeanor punishable by a fine not to exceed \$4,000, confinement in jail for 30 days to 1 year, and suspension of the driver license (or privilege denied if not licensed) for 180 days to 18 months.
3rd offense and every offense after	Felony of the third degree punishable by a fine not to exceed \$10,000, imprisonment in the Texas Department of Criminal Justice (TDCJ) for 2 to 10 years, and suspension of the driver license (or privilege denied if not licensed) for 180 days to 18 months.
DWI with passenger under 15	A state jail felony punishable by a fine not to exceed \$10,000, confinement in state jail for 180 days to 2 years and suspension of the driver license (or privilege denied if not licensed) for 90 days to 1 year.
Intoxication assault	Third degree felony punishable by a fine not to exceed \$10,000, imprisonment in the Texas Department of Criminal Justice (TDCJ) for 2 to 10 years, and suspension of the driver license (or privilege denied if not licensed) for 90 days to 1 year.
Intoxication manslaughter	Second degree felony punishable by a fine not to exceed \$10,000, imprisonment in the Texas Department of Criminal Justice (TDCJ) for 2 to 20 years, and a suspension of the driver license (or privilege denied if not licensed) for 180 days to 2 years.



## Texas Alcohol-Related Laws for Adults

### Implied Consent Laws for Adults

The implied consent for adults is similar to that of minors.

Like the minor, an adult implies their consent to take one or more breath or blood specimen for analysis if they are arrested for operating a motor vehicle or watercraft in a public place while intoxicated, or if they are an adult up to 21 years of age and there is any detectable or noticeable amount of alcohol in their system while operating a motor vehicle in a public place as deemed by an officer. The breath or blood specimen determines if alcohol is present in their body and will identify the amount of alcohol in their system as well as the presence of any other controlled substances or drugs.

A person who refuses to give a blood or breath specimen for analysis will have their driver license suspended for 180 days. If a person submits to a blood or breath specimen and the results show a BAC of 0.08 or greater, their driver license may be suspended for 90 to 365 days. Anyone with a BAC of 0.08 or more is considered intoxicated.

**Table 33: Penalties for DWI and DUI of Alcohol or Drugs-Adults**

Offense	Fine	Confinement	Driver License Suspension
1st offense	Up to \$2,000	72 hours to 180 days in jail	90 days to 365 days
2nd offense	Up to \$4,000	30 days to 1 year in jail	180 days to 2 years
3rd and subsequent offenses	Up to \$10,000	2 to 10 years in TDCJ	180 days to 2 years
DWI with passenger under 15	Up to \$10,000	180 days to 2 years in state jail	90 days to 2 years
Intoxication assault	Up to \$10,000	2 to 10 years in TDCJ	90 days to 2 years
Intoxication manslaughter	Up to \$10,000	2 to 20 years in TDCJ	180 days to 2 years

### Know Your Legal Limit

The legal limit in Texas is 0.08 BAC or any amount which results in the loss of normal use of mental or physical faculties. The information provided in the *Alcohol and Driving. Why Take the Risk?* table below is only a guide and is based on calculated averages. Alcohol tolerance may vary by individual. Food intake, medications, health, gender and psychological conditions are also influential factors, which affect the rate of alcohol absorption.

Drivers are encouraged to take drug and alcohol awareness courses to become better educated about the effects and consequences of drugs and alcohol. Insurance companies may provide liability insurance discounts to drivers who complete drug and alcohol awareness courses.

**Table 34: Alcohol and Driving. Why Take the Risk?**

Drinks	Body Weight in Pounds								Influenced
	100	120	140	160	180	200	220	240	
1	.04	.03	.03	.02	.02	.02	.02	.02	Possibly
2	.06	.06	.05	.05	.04	.04	.03	.03	
3	.11	.09	.08	.07	.06	.06	.05	.05	Impaired
4	.15	.12	.11	.09	.08	.08	.07	.06	
5	.19	.16	.13	.12	.11	.09	.09	.08	Legally intoxicated
6	.23	.19	.16	.14	.13	.11	.10	.09	
7	.26	.22	.19	.16	.15	.13	.12	.11	
8	.30	.25	.21	.19	.17	.15	.14	.13	
9	.34	.28	.24	.21	.19	.17	.15	.14	
10	.38	.31	.27	.23	.21	.19	.17	.16	

A drink may include a 12 ounce can of beer, a mixed drink with 1.5 ounces of liquor or a 5 ounce glass of wine. They all contain approximately the same amount of alcohol.

## Chapter 11: Motor Vehicle Crashes

Most crashes in Texas result from speeding, failure to yield or stop appropriately, and driving under the influence of alcohol. If requested and available, exchange names, addresses, phone numbers, vehicle identification numbers, vehicle license plate numbers, driver license information, and insurance information with all drivers involved in the crash. Write the insurance company name and policy number exactly as it is shown on the driver's proof-of-insurance card. If you have the name of the driver's insurance company and the information is not listed directly on the insurance card, call the Texas Department of Insurance at (800) 252-3439 to get the company address and telephone number. Be sure to also note the location of the crash and write down the contact information if there are any witnesses.

You should always notify the appropriate law enforcement agency as soon as possible when:

- There is an injury or fatality
- The vehicles involved cannot be moved off the roadway
- A driver leaves the scene of the crash
- You suspect a driver is intoxicated.

If you are involved in a crash that is not investigated by a law enforcement officer and the crash has not resulted in injury or death of a person or damage to property of \$1,000 or more, you must make a written report of the crash and file it with the Texas Department of Transportation (TxDOT) no later than the 10th day after the date of the crash. The written report must be on a TxDOT specified form. For a copy of this form, please visit the TxDOT website at [www.txdot.gov](http://www.txdot.gov).

### Crash Resulting in Injury to, or Death of a person

If you are operating a motor vehicle involved in a crash resulting in injury to or death of a person, you must immediately stop your vehicle at the scene of the crash (or as close as possible to the scene of the crash) without obstructing traffic more than necessary. If you did not stop your vehicle at the scene, you must immediately return and remain at the scene of the crash until you have complied with the following:

1. Provide your name and address, the registration number of the vehicle you were driving, and the name of your motor vehicle liability insurer to any person injured, or to the operator or occupant of, or person attending a vehicle involved in the collision
2. Show your driver license (if requested and available) to any person injured, or to the operator or occupant of, or person attending a vehicle involved in the collision
3. Provide any person injured in the crash reasonable assistance including transporting or making arrangements for transporting the person to a physician or hospital for medical treatment if it is apparent treatment is necessary, or if the injured person requests the transportation.

**Table 35: Penalties for Failure to Stop**

Offense	Penalty
1st offense crash resulting in a death of a person	Second degree felony punishable by a fine not to exceed \$10,000 and imprisonment in the Texas Department of Criminal Justice (TDCJ) for 2 to 20 years.
1st offense crash resulting in serious bodily injury	Third degree felony punishable by a fine not to exceed \$10,000 and imprisonment in the Texas Department of Criminal Justice (TDCJ) for 2 to 10 years.
1st offense crash resulting in injury	Imprisonment in the Texas Department of Criminal Justice (TDCJ) for up to 5 years or confinement in the county jail for up to 1 year; a fine not to exceed \$5,000; or both a fine and imprisonment.

### Crash Resulting in Damage to a Vehicle

If you are operating a motor vehicle involved in a crash resulting **ONLY** in damage to a vehicle that is driven or attended by a person, you must immediately stop your vehicle at the scene of the crash or as close as possible to the scene of the crash without obstructing traffic more than necessary. If the crash occurs on a main lane, ramp, shoulder, median, or adjacent area and each vehicle involved can be normally and safely driven, drivers must move their vehicle as soon as possible to a designated crash investigation site, if available, a location on the frontage road, the nearest suitable cross street, or other suitable location. If you did not stop your vehicle at the scene, you must immediately return and remain at the scene of the crash until you have complied with the following:

1. Provide your name and address, the registration number of the vehicle you were driving, and the name of your motor vehicle liability insurer to any person injured, or to the operator or occupant of, or person attending a vehicle involved in the collision
2. Show your driver license (if requested and available) to any person injured, or to the operator or occupant of, or person attending a vehicle involved in the collision
3. Provide any person injured in the crash reasonable assistance including transporting or making arrangements for transporting the person to a physician or hospital for medical treatment if it is apparent treatment is necessary, or if the injured person requests the transportation.

**Table 36: Penalties for Failure to Stop**

Offense	Penalty
1st offense (Less than \$200 in damages)	Class C misdemeanor and is punishable by a fine not to exceed \$500.
1st offense (\$200 or more in damages)	Class B misdemeanor and is punishable by a fine not to exceed \$2,000, confinement in jail for up to 180 days, or both.

## Crash Involving an Unattended Vehicle

If you are operating a motor vehicle that collides with and damages an unattended vehicle, you must immediately stop and either:

1. Locate the operator or owner of the unattended vehicle and give your name and address
2. Securely attach a written notice in a visible way, to the unattended vehicle providing:
  - Your name and address
  - A statement of the circumstances of the collision.

**Table 37: Penalties for Failure to Stop**

Offense	Penalty
1st offense (Less than \$200 in damages)	Class C misdemeanor and is punishable by a fine not to exceed \$500.
1st offense (\$200 or more in damages)	Class B misdemeanor and is punishable by a fine not to exceed \$2,000, confinement in jail for up to 180 days, or both.

## Crash Resulting in Damages to a Fixture, Landscaping, or Structure

If you are driving a motor vehicle involved in a crash resulting ONLY in damage to a fixture, landscaping, or structure legally on or adjacent to a highway, you must:

1. Take reasonable steps to locate the owner (or person in charge) of the property and notify him/her of the crash
2. Provide your name, address, and registration number of the vehicle you were driving
3. If requested and available, you must show your driver license to the owner or person in charge of the property
4. If the crash is not investigated by a law enforcement officer and the crash has not resulted in injury to or the death of a person or damage to the property of any one person to an apparent extent of \$1,000 or more you must make a written report of the crash and file it with the TxDOT no later than the 10th day after the crash.

**Table 38: Penalties for Failure to Comply with Damages**

Offense	Penalty
1st offense (Less than \$200 in damages)	Class C misdemeanor and is punishable by a fine not to exceed \$500.
1st offense (\$200 or more in damages)	Class B misdemeanor and is punishable by a fine not to exceed \$2,000, confinement in jail for up to 180 days, or both.

## Hit-and-Run Crashes

If you are involved in a hit-and-run crash, report this crash to law enforcement for investigation. The Texas Department of Insurance advises uninsured motorist coverage will pay for damages in hit-and-run crashes reported to a law enforcement agency.

## Aiding the Injured

In the event you are involved in a crash that injures another person, consider the information below:

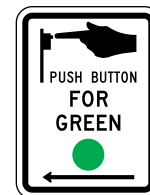
1. When calling a doctor or ambulance, ensure you take notice of your surroundings and state the location of the crash clearly and correctly.
2. Do not assume people are not injured simply because they say they are not. Send for skilled help as quickly as possible. Unskilled handling can do more harm than good.
3. Do not move or lift the victim(s) unless it is absolutely necessary. If a victim must be moved, get help and try not to change the position in which the victim was found.
4. Stop serious bleeding with thick cloth pads, as clean as possible, apply with pressure by hand or by bandaging.
5. Keep the victim(s) comfortable. If it is hot, cool the victim(s) and provide shade as much as possible. If it is cool, cover the victim with blankets or coats if necessary and if available.

## Chapter 12: Pedestrian Safety

A driver should always pay special attention to pedestrians (persons on foot). However, there are certain safety rules pedestrians should follow.

### Laws and Safety Tips for Pedestrians

1. Obey traffic control signals unless otherwise directed by a pedestrian control signal.
2. Do not cross the street between two intersections. It is dangerous to cross in the middle of a street.
3. Use sidewalks when available, and do not walk in the street.
4. Walk on the left side of the road if there are no sidewalks. Step off the pavement when a car approaches.
5. If you cross a street at any point other than within a crosswalk at an intersection, you (the pedestrian) must yield the right-of-way to all vehicles.
6. If you cross a street without using a pedestrian tunnel or overhead pedestrian crossing which has been provided, you (the pedestrian) must yield the right-of-way to all vehicles.
7. When crossing at a crosswalk, keep right if possible.
8. Blind, partially blind, or disabled individuals may carry a white cane while walking. Others must not display a cane on any public street or highway.
9. No person may stand in the road for the purpose of soliciting a ride, contributions, or business. A person may stand in a road to solicit a charitable contribution if authorized to do so by the local authority having jurisdiction over the road.
10. Do not suddenly walk or run into the street in the path of a vehicle. These sudden actions may make it impossible for the vehicle operator to yield.
11. Wait on the curb, not in the street, until the traffic signals change to green or read "Walk."
12. Always wear white or light colored clothing and/or carry a light or reflector when walking at night.
13. Look both ways before crossing the street and before stepping out from behind parked cars.
14. Be extra careful when getting off a streetcar or bus.
15. Get in and out of cars on the curb side of the road when possible.
16. Do not walk on a road when you are under the influence or consuming an alcoholic beverage. Alcohol is a contributing factor to pedestrian traffic crashes.
17. Pedestrians should be aware that local authorities may have ordinances which require pedestrians to comply with the directions of an official traffic control device (signals, signs, etc.) and prohibit pedestrians from crossing a road in a business district or a designated highway, except in a crosswalk.



### Laws and Safety Tips for Motorists

1. If you see a pedestrian crossing or attempting to cross the street, slow down, use your horn if necessary, and be prepared to stop.
2. Be alert to a pedestrian guided by an assistance animal or carrying a white cane. The white cane indicates the person may be blind, partially blind, or disabled. A driver shall take the necessary pre-cautions to avoid injuring or endangering a pedestrian crossing or attempting to cross the street. The driver shall bring the vehicle to a full stop if injury or danger can only be avoided by that action.
3. Watch for individuals who are blind at bus stops, intersections, business areas, and near schools for the blind.

## Chapter 13: Bicycle Laws and Safety

### Bicycle Traffic Laws

A bicycle is a vehicle. Any person riding a bicycle has the same rights and responsibilities that apply to a driver operating a vehicle unless these cannot, by their nature, apply to a person operating a bicycle.

Any person who operates a bicycle is subject to the same penalties for violating a traffic law as a person operating a motor vehicle. All traffic convictions will be placed on the individual's driver record, regardless if the conviction was for an offense committed on a bicycle or in a motor vehicle.

#### Do's

1. Always obey all traffic laws, signs, and signals. Stop at all stop signs and red lights.
2. Always ride with the flow of traffic.
3. Only ride on or astride a permanent and regular seat.
4. When operating a bicycle on a one-way road with two or more marked traffic lanes, ride as near as possible to the left curb or edge of the road.
5. Individuals riding two abreast on a "laned" road must ride in a single lane and not impede the flow of traffic.
6. Bicyclists may ride on the shoulder of the road.
7. Bicyclists must signal a turn or stop by:
  - a. Using either their left arm pointing up or their right arm pointed horizontally to signal a right turn.
  - b. Using their left arm pointed horizontally to signal a left turn.
  - c. Using their left arm pointed downward to signal a stop.
8. A person operating a bicycle who is moving slower than the other traffic on the road shall ride as near as possible to the right curb or edge of the road unless:
  - a. The person is overtaking and passing another vehicle proceeding in the same direction
  - b. The person is preparing for a left turn at an intersection or onto a private road or driveway
  - c. There are unsafe conditions in the road such as fixed or moving objects, parked or moving vehicles, pedestrians, animals, potholes, or debris, or
  - d. The person is operating a bicycle in an outside lane that is:
    - Less than 14 feet in width and doesn't have a designated bicycle lane adjacent to that lane; or
    - The lane is too narrow for a bicycle and a motor vehicle to safely travel side by side.

#### Don'ts

1. Never carry more than the number of individuals it is designated or equipped for.
2. Never ride opposite the flow of traffic.
3. Never attach the bicycle or person to a moving streetcar or vehicle upon a road.
4. Never carry any package, bundle, or article which prevents the rider from keeping at least one hand on the handlebars.

### Shared Lane Marking

The shared lane marking may be used to:

1. Assist bicyclists with lateral positioning in a shared lane with on-street parallel parking in order to reduce the chance of a bicyclist impacting the open door of a parked vehicle
2. Assist bicyclists with lateral position in lanes too narrow for a motor vehicle and a bicycle to travel side by side within the same traffic lane
3. Alert road users of the lateral location bicyclists are likely to occupy within the traveled way
4. Encourage safe passing of bicyclists by motorists, or
5. Reduce the incidence of wrong-way bicycling

Shared Lane Marking



## **Bicycles Must Be Properly Equipped**

1. Every bicycle must be equipped with a brake, which will enable the operator to make the wheels skid on dry, level, clean pavement when applied.
2. Hearing-impaired bicycle riders may display a safety flag.
3. Every bicycle used at nighttime must be equipped with:
  - a. A lamp on the front which emits a white light visible from a distance of at least 500 feet in front of the bicycle, and
  - b. A red, DPS-approved reflector on the rear visible from distances of 50 feet to 300 feet. (A red light on the rear visible from a distance of 500 feet may be used in addition to the red reflector.)

## **Bicycle Safety Guidelines**

1. You may be required by law to wear a helmet depending on your local laws.
2. When riding on pedestrian facilities, reduce speed and exercise caution.
3. Do not weave in and out of parked cars.
4. Move off the street to stop, park, or make repairs to your bicycle.
5. Select a route according to the rider's bicycling skill and experience.
6. Bicycles may be equipped with a mirror.
7. Wear light colored or reflective clothing to make it easier for drivers to see you.

## **Riding in Wet Weather**

Water makes certain surfaces slick. Be aware of manhole covers and painted stripes on the road. Water also obscures some hazards. Watch for potholes filled with water. In addition, the visibility of motorists is greatly decreased in wet weather.

## Chapter 14: Additional Safety Tips

### Defensive Driving

To avoid crashes, the defensive driver should:

1. Stay alert and keep eyes moving to keep track of what is happening at all times
2. Look for trouble spots developing all around
3. Have a plan of action
4. Know that the law requires drivers to protect each other from their own mistakes

### Safety Belts

The driver and all passengers, regardless of age, in a passenger vehicle are required to use safety belts if occupying a seat in a vehicle equipped with a safety belt. Any child under 8 years old must be secured in a federally approved child car seat if occupying a seat in a vehicle equipped with a safety belt, unless the child is more than 4'9" tall.

Safety belt requirements include pickups, SUVs, and trucks. Safety belts help keep you:

1. From being thrown from your car. Your chances of being killed are five times greater if you are thrown from your car
2. From hitting the dashboard too hard
3. In better control of your car

Whatever your reason for not wearing safety belts, it is dangerous and violates state law.



### Penalties for Driving Without a Safety Belt

A driver can receive a citation for not wearing his/her safety belt and for not having each child under the age of 17 in a safety seat or safety belt. Anyone who is at least 15 years of age can receive a citation for not wearing a safety belt. There are no exemptions to the safety belt laws. However, there are some defenses to prosecution for postal workers, individuals who deliver the newspaper, utility workers, solid waste truck workers, certain commercial farm vehicle operators, or medical reasons with a physician's note.

**Table 39: Penalties for Not Wearing a Required Safety Belt**

Conviction	Penalty*
Driving a vehicle without a safety belt	A fine of \$25 to \$50
Passengers under 8 years old and less than 4'9" tall riding while not properly secured in a child passenger safety seat system	A fine of \$25 to \$250
Passengers at least 15 years old riding without a safety belt	A fine of \$25 to \$50
Passengers under 17 years old riding without a safety belt (fine assessed to driver)	A fine of \$100 to \$200
Children under 18 years old riding in an open-bed pickup or open flatbed truck (fine assessed to driver)	A fine of \$25 to \$200

\*Additional suspensions and surcharges may apply. Driving with an invalid license will also result in penalties and surcharges.

### Vehicles with Open Beds

It is an offense to drive an open bed truck, an open flatbed truck, or to draw an open flatbed trailer when a child who is younger than 18 years of age is occupying the bed of the truck or trailer.

It is a defense to prosecution that the driver was operating or towing the vehicle:

1. In a parade or in an emergency
2. To transport farm-workers from one field to another field on a farm-to-market road, ranch-to-market road, or county road outside a municipality
3. On a beach
4. That is the only vehicle owned or operated by members of a household, or
5. In a hayride permitted by the governing body of or a law enforcement agency of each county or municipality in which the hayride will occur



### **Vehicles with Open Beds Towing a Boat or Watercraft**

It is an offense for a person to operate a motor vehicle that is towing a boat or personal watercraft in or on which a person who is younger than 18 years of age is riding.

It is a defense to prosecution that the driver was operating the motor vehicle:

1. In a parade
2. In an emergency, or
3. On a beach

### **Open Bed Passenger Restrictions**

It is a Class B misdemeanor to operate a truck, road tractor, or truck tractor when another person occupies a trailer or semi-trailer being drawn by the truck, road tractor, or truck tractor.

It is a defense to prosecution that the person:

1. Towing the vehicle did not know another person occupied the trailer or semi-trailer
2. Occupying the trailer or semi-trailer was in a part of the vehicle designed for human habitation
3. Operating or towing the vehicle was:
  - a. In a parade or in an emergency
  - b. Transporting farm-workers from one field to another field on a farm-to-market road, ranch-to-market road, or county road outside a municipality, or
  - c. In a hayride permitted by the governing body of or a law enforcement agency of each county or municipality in which the hayride will occur

### **When Stopped by Law Enforcement**

If you are stopped by law enforcement it is suggested you:

1. Slow down and move the vehicle safely to the right of the road.
2. Park your vehicle as far to the right of the main traffic lane as possible. If available, park on the right shoulder or, if unavailable, park on a nearby well-lighted side street or parking lot away from high volume traffic.
3. Place the vehicle in a parking position, set the emergency brake, turn the engine off, and activate the hazard warning lights.
4. If at night, turn on the interior dome light.
5. Remain in the car, lower the driver's window if you feel safe to do so. Keep both hands clearly in sight on the steering wheel. Wait for the law enforcement officer to give you instructions. An officer may approach from either side of the vehicle.
6. Before reaching into your glove box or under the seat to retrieve your proof of insurance or driver's license, inform the officer of where the items are located and follow the officer's directions.
7. If asked to exit the vehicle, check for passing vehicles to exit safely.
8. Advise passengers to remain in the car unless other instructions are given by the law enforcement officer, and
9. At the conclusion of the traffic stop, give the appropriate signals and safely return to the proper lane of traffic when released by the law enforcement officer.

### **Obligations, Responsibilities, Courtesy and Safety**

State law requires a driver to immediately stop when approached by an authorized emergency vehicle and you may be arrested if you do not stop immediately. If you feel the area is unsafe to stop immediately or if you have concerns the vehicle is not a real police vehicle, you can take the following steps to minimize the risk of being arrested or charges being filed against you: turn on your hazard lights and drive slowly and carefully below the posted speed limit; you may call 9-1-1 and remain on the phone with the operator while you stop and verify the officer's identity; you may drive to a nearby well-lighted, populated place to stop. It is important to understand that law enforcement jurisdictions overlap and a local 9-1-1 call center operator may not be able to immediately determine what officer is working in that area at that time. If you stop in an unsafe location, such as on a bridge or a high traffic roadway, an officer may direct you over the public address speaker to move to a safer location. Follow the officer's directions.

Law enforcement officers, drivers, and passengers should respond with courtesy during traffic stops and other officer/citizen interactions. Drivers and passengers should not exit the vehicle unless asked to do so. Exiting your vehicle may be perceived as aggressive behavior and a threat to the officer's safety. Drivers and passengers inside a vehicle should not attempt to reach, dig, or search for their license or insurance documents before or while an officer is approaching. Drivers who transport handguns in their vehicles are encouraged to keep them in a separate location from license and insurance documentation.

During a traffic stop, the driver and any passengers are subjected to an investigative detention, which may only last for a reasonable amount of time. Passengers can ask the officer if they are free to leave and do so if the officer agrees. Law enforcement may ask questions during this time. You cannot be punished for refusing to answer questions; however, drivers are required by law to display a driver license when requested by an officer. If you are lawfully detained or arrested, you are also required to give your name, residence address, and date of birth. A driver or a passenger who gives law enforcement a false or fraudulent identity or false answers may be arrested. It may be to your benefit to speak to law enforcement, such as to convey the reason you may have an emergency or for the driver to provide the officer your name address and date of birth if you do not have your driver license with you.

Law enforcement may also ask for consent to search your vehicle or person. You may grant or deny the request to search; however, if an officer has probable cause to believe that your vehicle contains evidence of a crime, it can be searched without your consent. If an officer reasonably believes that you have a weapon, the officer can conduct a pat down search of your person and the immediate area around you, including areas of your vehicle. It is unlawful to physically resist a search, but you have the right to notify the officer that you do not consent to any search.

### **Complaints or Concerns**

If you believe an officer has acted inappropriately during a traffic stop or other encounter, you should report that conduct to the officer's superiors and follow agency guidelines for submitting complaints against officers as soon as possible. Officers will normally provide their names and badge numbers on request, when practical. Due to the overlapping of jurisdictions, drivers should make sure they identify the correct agency as well as any identifying aspects of the officer and law enforcement vehicle.

Drivers should refrain from arguing the validity of a charge during the traffic stop or detention. Signing a citation is not admitting guilt. It simply confirms your promise to pay the fine or contact the court. If you do not agree with the charge brought against you and wish to contest it, you should argue your case before a judge or request a jury trial and acquire the services of an attorney to represent you.

### **False Identification Offense**

A person commits an offense if he/she gives a false or fictitious name to a law enforcement officer who has lawfully arrested or detained the person.

### **Evading arrest or detention**

A person commits an offense if he intentionally flees from a person he knows is a peace officer or federal special investigator attempting to lawfully arrest or detain him. You will be subject to higher penalties if you use a vehicle or watercraft while evading arrest or cause injury to another person.

## **Road Rage**

Each year, road rage, also referred to as aggressive driving, causes hundreds of injuries and deaths. Aggressive driving occurs when a driver becomes angry or irritated and as a result, fails to follow the rules of the road. An aggressive driver will intentionally aggravate or attempt to aggravate other drivers and in some cases cause bodily injury, property damage, or death to others.

### **Tips to Avoid Road Rage**

1. Plan your trip or schedule in advance. Allow extra time in case your vehicle breaks down or you encounter traffic congestion due to a crash, road construction, or rush-hour traffic.
2. When caught in traffic do not get angry. Try to relax and listen to music you enjoy. Remember, traffic congestion is usually temporary and you will soon be on your way.
3. Should you need to use the horn, tap the horn; do not hold down the horn. Do not confront other drivers or make obscene gestures.
4. Do not cut into another driver's lane of traffic. Properly signal your intentions to change lanes and change lanes when it is safe to do so. Turn your turn signal off after you complete your lane change.
5. Do not intentionally slow down, slam on your brakes, or speed up to keep someone from passing or entering your lane of travel.
6. Do not tailgate; follow at a safe distance.
7. Always remember to drive friendly and report aggressive driving to the local authorities.

## Neighborhood Electronic Vehicles and Motor Assisted Scooters

A neighborhood electronic vehicle is defined as a vehicle subject to Federal Motor Safety Standard 500 with a top speed of 35 mph on a paved level surface.

A motor assisted scooter is defined as a self-propelled device with:

1. At least two wheels in contact with the ground
2. A braking system capable of stopping the device under normal operating conditions
3. A gas or electric motor not exceeding 40 cc
4. A deck designed to allow a person to stand or sit while operating the device, and
5. The ability to be propelled by human power alone

Both vehicles may only be operated on a street or highway when the posted speed limit is 45 mph or less for a neighborhood electronic vehicle and 35 mph or less for a motor assisted scooter.

### Electronic Personal Assistive Mobility Devices (EPAMD)

EPAMD's, such as a Segway, are defined as a two, non-tandem wheeled device designed for transporting one person that is self-balancing and propelled by an electric propulsion system with an average power of 750 watts or one horsepower.

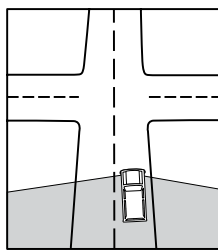
An EPAMD may be operated on:

1. A sidewalk
2. A path set aside for the exclusive operation of a bicycle
3. On a residential street, road, or public highway with a maximum speed limit of 30 mph only:
  - a. While making a direct crossing of a highway in a marked or unmarked crosswalk
  - b. Where no sidewalk is available, or
  - c. When so directed by a traffic control device or law enforcement officer

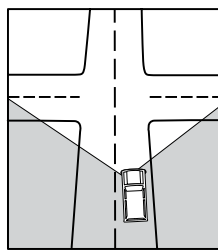
When operated on a public roadway, an EPAMD shall be ridden as close as practicable to the right-hand edge.

*Special Note:*  
 Counties and municipalities may prohibit the operation of either type of vehicle on any street or highway for safety reasons.

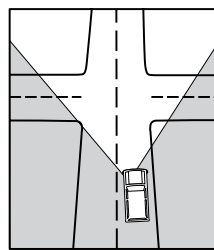
## Speed Reduces Your Field of Vision



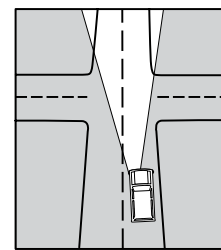
**Stationary**  
 Field of vision is 180 degrees or more



**20 MPH**  
 Field of vision reduced to about 2/3



**40 MPH**  
 Field of vision reduced to about 2/5



**60 MPH**  
 Field of vision reduced to about 1/5

## Your Keys to Safe Driving

- Good Vision
- Obey traffic laws
- Proper care of vehicle – Don't depend on yearly inspections; perform regular maintenance as needed
- Courtesy – Safety comes before the right-of-way
- Proper Signaling – Failure to signal is dangerous and inconsiderate
- Fitness to drive – Let someone else drive if you are not physically or mentally alert

## Transporting Cargo and Materials

To prevent cargo or loose materials from falling or spilling from a car, truck, trailer, etc. onto the road and causing a crash or damage to the roads, drivers must comply with certain state requirements.

A vehicle must be equipped and maintained to prevent loose material from escaping by blowing or spilling and a vehicle bed must:

1. Not have a hole, crack, or other opening through which loose material can escape
2. Be enclosed by side panels and on the front by a panel or the vehicle cab
3. Be enclosed by a securely closed tailgate or panel on the rear to prevent spillage
4. Cover the load securely at the front and back of the load, unless completely enclosed in a compartment or the load does not blow or spill over the load carrying compartment.

No person shall load or transport any loose material on or over the public highways, such as dirt, sand, gravel, wood chips, or other material (except agricultural products in their natural state), capable of blowing or spilling from a vehicle unless:

1. The bed carrying the load is completely enclosed on both sides and on the front and rear by a tailgate, board or panel; and all must be so constructed as to prevent the escape of any part of the load by blowing or spilling; and
2. The top of the load is covered with a canvas, tarpaulin, or other covering firmly secured to the front and back to prevent the escape of the load because of blowing or spilling. This requirement does not apply to:
  - a. Any load-carrying compartment that completely encloses the load; or
  - b. The transporting of any load of loose materials not blowing or spilling over the top of the load-carrying, compartment.

## Safety Chains

Safety chains are required when certain types of vehicles are towing trailers in order to prevent the trailer from breaking loose and causing a serious crash. A person may not drive a passenger car or light truck while towing a trailer, semi-trailer, or house trailer on a public highway in Texas unless safety chains are attached from a trailer, semi-trailer, or house trailer to the towing vehicle. The types of safety chains and the manner of attachment must be approved by DPS. The requirements of this law do not apply to a passenger car or light truck towing a trailer or semi-trailer used for agricultural purposes or to any trailer or semi-trailer or house trailer operated in compliance with the Federal Motor Carrier Safety Regulations.

## Towing

When one vehicle is towing another, the drawbar, chain, rope, cable, or other connection must:

1. Not be longer than 15 feet from one vehicle to another
2. Be strong enough to pull all weight drawn
3. Attach a white flag not less than 12 inches square
4. Not tow more than three vehicles attached to it by mounting the front wheels of trailing vehicles on the bed of another vehicle and leaving only the rear wheels in contact with the roadway

This limit does not apply to trailers transporting poles, pipe, machinery, or other structures that cannot be easily dismembered.

## Carbon Monoxide

Beware of carbon monoxide poisoning. Cars produce carbon monoxide, which is deadly gas. Make sure you are getting plenty of fresh air.

### Don't:

1. Leave the motor running in a garage
2. Leave vents open when following closely behind another car
3. Leave the motor running and the windows closed while the car is parked
4. Drive with a defective muffler or exhaust system
5. Use the heater or air conditioner in a parked car with the windows closed in an enclosed space

If you encounter a carbon monoxide poisoning victim, move them to fresh air and call 911.

## Steering Lock Operation

Vehicles have various systems used to remove the key from the ignition. Some ignitions automatically lock the steering wheel if the key is removed while moving. Here are some common steering wheel lock systems with a description on how to remove the key.

**Table 40: Steering Wheel Lock Parking Systems**

Type of Parking System	Description
Transmission park system	Shift the transmission into the park position. Turn the key to lock then remove the key.
Two hand button system	This system requires two hands. Depress the button below the steering column. Turn the key to lock then remove the key.
Lever system	Depress the lever located near the ignition. Turn the key to lock then remove the key.
One hand button system	Depress the button located near the ignition. Turn the key to lock then remove the key.
Push in system	Turn the key to off and push in. Turn the key to lock then remove the key.
Turn and remove system	Turn the key to lock then remove the key.

Source: 1992 Automobile Safety Foundation

## Appendix A: Glossary of Terms

### - A -

**acceleration lane** – a lane that permits drivers entering a highway to accelerate to the speed of traffic

**aggressive driving** – the behavior of driving in a combative, forceful, or competitive manner

**angle parking** – the vehicle is parked diagonally to the curb

**auto cycle** – an autocycle constitutes a motor vehicle, other than a tractor, that is:

1. designed to have when propelled not more than three wheels on the ground
2. equipped with a steering wheel
3. equipped with seating that does not require the operator to straddle or sit astride the seat; and
4. manufactured and certified to comply with federal safety requirements for a motorcycle

An autocycle can be operated under a Class C driver license

### - B -

**backup lights** – white lights at the rear of the vehicle telling other drivers you are backing up

**basic speed law** – you may not drive faster than is safe and prudent for existing conditions, regardless of posted speed limits

**bicycle** – every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter

**blind spot** – an area rearview mirrors cannot show

**blood-alcohol concentration (BAC)** – the amount of alcohol in the blood expressed as a percentage of ethyl alcohol related to the volume of fluids in the bloodstream

**blowout** – the sudden loss of tire air pressure while driving

**bodily-injury insurance** – covers the driver who is at fault against claims

**braking distance** – the distance a vehicle travels from the time brakes are applied until it stops

### - C -

**cancellation** – the withdrawal of a driver license or privilege until the driver is qualified or eligible

**carbon monoxide** – colorless, odorless, tasteless gas contained in the exhaust fumes of gasoline engines

**center of gravity** – point around which the vehicle's weight is evenly distributed

**central vision** – the field of vision around your focal vision in which you can see clearly while looking straight ahead that aids in determining vehicle position to the road

**clutch pedal** – the pedal in a manual transmission vehicle that enables a driver to shift gears

**collision** – contact between two or more objects, as when two vehicles collide into each other

**collision insurance** – provides insurance coverage to pay the costs of repair or replacement of your vehicle involved in a collision

**color-blindness** – inability to distinguish colors

**commercial motor vehicle** – a vehicle used to transport/deliver goods or passengers for compensation between points on a fixed scheduled route. The vehicle:

1. has a gross combination weight or gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or gross vehicle weight rating of more than 10,000 pounds;
2. has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds;
3. is designed to transport 16 or more passengers, including the driver or
4. is transporting hazardous materials and is required to be placarded under 49 C.F.R. part 172, Subpart F.

**comprehensive insurance** – provides coverage for replacement or repair of your vehicle from damage other than from a collision

**controlled-access highway** – a highway where vehicles can enter and exit only at interchanges

**controlled braking** – reducing speed by firmly stepping on and squeezing the brake pedal and maintaining steering control of the vehicle

**controlled intersection** – the intersection at which signals or signs determine the right of way

**controlled railroad crossing** – railroad crossing controlled by flashing red lights and/or crossing gates

**crossbuck** – large white X-shaped sign located prior to a railroad crossing

- D -

**deceleration lane** – expressway lane used to slow your vehicle without blocking vehicles behind you

**defensive driving** – protecting yourself and others from dangerous and unexpected driving situations by using a space management system

**delayed green light** – indicates one side of the intersection has a green light while the light for oncoming traffic remains red

**denial** – the withholding of a driver license or privilege because the person is ineligible for a license. A driver license may be issued when eligibility requirements are met.

**depressant** – a drug or alcohol that slows the response of the central nervous system

**depth perception** – the ability to judge distance between yourself and other objects

**designated driver** – the person who decides ahead of time not to drink alcoholic beverages and is appointed to drive others who do drink

**distractions** – when a driver is delayed in the recognition of information needed to accomplish the driving task safely because some event, activity, object, or person within or outside the vehicle compelled or tended to induce the driver's shifting attention away from the driving task

**drag race** – the operation of:

1. Two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or
2. One or more vehicles over a common selected course, from the same place to the same place, for the purpose of comparing speeds or power of acceleration of the vehicle(s) in a specified distance of time

**driving under the influence (DUI)** – a Class C misdemeanor for which a minor can be charged in Texas if driving with any detectable amount of alcohol in the minor's system (An offense for which a driver can be charged in some states if the driver's blood-alcohol concentration is above 0.05.)

**driving while intoxicated (DWI)** – an offense for which a driver can be charged in all states if the driver's blood-alcohol concentration is above a certain level

- E -

**entrance ramp** – a ramp leading onto a highway

**exit ramp** – a ramp leading off a highway

- F -

**field of vision** – all the area a person can see while looking straight ahead.

**field sobriety test** – series of on-the-spot, road-side tests that help an officer detect impairment of a driver suspected of DUI or DWI.

**financial responsibility law** – a law requiring you to prove you can pay for collision damages you cause that result in death, injury, or property damage

**flashing signal** – traffic signal alerting drivers to dangerous conditions or tells them to stop

**focus vision (foveal)** – the part of the vision field which allows the driver to read signs and make distinctions between vehicles and objects often measured as visual acuity

**following interval** – the time recommended to follow another vehicle in the intended path of travel. Select an object near the road surface. When the vehicle ahead passes that object, start counting one thousand-one, one thousand-two, etc., until the front of your car reaches the same object. For speeds under 30 mph, the minimum time with good road conditions is 2 seconds. For speeds above 30 mph, maintain 4 seconds (more for adverse conditions) of following time. Developing a four-second following interval is the best practice for a beginning or less experienced driver

**force of impact** – the force with which one moving object hits another object; this varies according to speed, weight, and distance between impact and stop, and is based on forces of inertia and momentum

**friction** – the force creating heat which helps the tire maintain traction on the road, unless too much heat is generated which may cause traction loss due to melting of tire rubber on the road

- G -

**gap** – time or distance interval between vehicles on road

**glare recovery time** – the time your eyes need to regain clear vision after being affected by bright lights

**glare resistance** – the ability to continue seeing when looking at bright lights

**graduated driver license program** – requires young drivers to progress through a series of licensing stages with various restrictions such as accompanying drivers, times permitted to drive, and allowable passengers

**guide sign** – a sign providing directions, distances, services, points of interest, or other information



- H -

**hallucinogen** – mind-altering drug that tends to distort a person’s perception of direction, distance, and time

**hazard flasher** – a device that flashes front turn signal lights and taillights to warn others the vehicle is a hazard

**head restraints** – specially designed air bag or padded devices on the backs of front seats helping to reduce whiplash injuries in a side or rear impact collision

**highway hypnosis** – drowsy or trance-like condition caused by concentration on the road ahead and monotony of driving

**hydroplaning** – occurs when a tire patch loses contact with the road by rising up on top of water

**highway** – the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel

- I -

**ignition interlock device** – a special mechanical control device installed on a motor vehicle’s dashboard. A driver must exhale into the device to start the vehicle. The court-ordered installation of an interlock ignition device must be performed by a DPS-certified service center

**implied-consent law** – anyone who receives a driver license automatically consents to be tested for blood-alcohol content and other drugs if stopped for suspicion of alcohol or drug usage while driving

**intoxilyzer** – the breath-test instrument machine commonly used for determining blood-alcohol content

- J -

- K -

- L -

**lane change** – lateral maneuver moving the vehicle from one lane to another using proper space management procedures

**lane signal** – a signal, usually overhead, indicating if a lane can or cannot be used at a specific time

**liability insurance** – provides compensation for damages which the insured is legally obligated to pay; covers others when you are at fault

**light truck** – a truck with a manufacturer’s rated carrying capacity of not more than 2,000 lbs., including a pick up truck, panel delivery truck, and carry-all truck

**limited use lanes** – traffic flow lanes posted and designed to accommodate special vehicles or carpools

- M -

**median** – area of ground separating traffic moving in opposite directions

**merging area** – stretch of road at the end of an acceleration lane on an expressway where vehicles join the flow of traffic

**minimum speed limit** – speed limit to keep traffic moving safely by not allowing drivers to drive slower than a certain speed

**moped** – a motor-driven cycle that cannot attain a speed in one mile of more than 30 mph and the engine:

1. Cannot produce more than two-brake horsepower; and
2. If an internal combustion engine, has a piston displacement of 50 cubic centimeters or less and connects to a power drive system that does not require the operator to shift gears. Two-wheeled vehicle that can be driven with either a motor or pedal.

**motorcycle** – a motor vehicle, other than a tractor, equipped with a rider’s saddle and designed to have when propelled not more than three wheels on the ground

**motor-driven cycle** – a motorcycle equipped with an engine displacement of 250 cubic centimeters or less. The term does not include an electric bicycle

- N -

**night blindness** – not being able to see well at night

**no-fault insurance** – covers an insured’s losses and expenses associated with a collision regardless of fault

- O -

**odometer** – the device on the instrument panel indicating the total number of miles the vehicle has been driven

**over driving headlights** – driving at a speed making your stopping distance longer than the distance lighted by your headlights; low beams are limited to 45 mph and high beams are limited to 65 mph for stopping purposes

**oversteer** – when the rear tire patches lose varying degrees of traction and the front tire patches have more traction causing a spinning effect (yaw) around the vehicle's center of gravity. The vehicle has a tendency to spin to the left or right even though the driver is not turning the steering wheel

**overtake** – to pass the vehicle ahead

**over-the-counter medicine** – drug that can be obtained legally without a doctor's prescription

- P -

**parallel parking** – the vehicle lines up parallel or going the same direction as the curb. When parallel parking, the vehicle must be 6 to 18 inches from the curb

**passive restraint device** – a restraint device, such as an air bag or an automatic safety belt, that works without the passenger or driver initiating the device

**pedestrian** – a person on foot

**pedestrian signal** – a signal used at traffic intersections that indicates when a person should walk or wait

**peer pressure** – mental and social influence of others of a similar age on decision-making skills

**perception distance** – the distance your vehicle travels during perception time

**perception time** – the length of time it takes for the driver to make a risk-reduction decision

**peripheral vision** – the area a person can see that is around the central field of vision

**perpendicular parking** – the vehicle is parked at a right angle to a curb or parking stripe using visual reference points for entering and leaving

**prescription medicine** – drug that can be purchased legally only when ordered by a doctor

**preventive maintenance** – routine care and attention to your vehicle

**property-damage insurance** – protects the driver who is at fault against claims for damages to another person's property, up to specified limits

**protected left turn** – left turn made on a left-turn, green arrow, or delayed green light while oncoming traffic is stopped

**protective gear** – the items a motorcyclist wears to protect head, eyes, and body

- Q -

- R -

**race** – the use of one or more vehicles in an attempt to:

1. Out gain or outdistance another vehicle or prevent another vehicle from passing;
2. Arrive at a given destination ahead of another vehicle(s); or
3. Test the physical stamina or endurance of an operator over a long-distance driving route

**reaction distance** – the distance a vehicle travels from the point the driver perceives the need to act and the point where the driver takes action through braking, steering, or acceleration. Distance your vehicle travels until the driver perceives the need to change speed or position

**reaction time** – the time the vehicle travels from the point the driver perceives the need to act and the point where the driver takes the action through braking, steering, or acceleration. Length of time it takes the driver to execute a reduced-risk action, after a response is perceived by the driver

**reduced visibility** – the inability of a driver to see clearly

**reference point** – a part of the outside or inside of a vehicle, as viewed from the driver's seat, that relates to some part of the road which allows the driver to estimate position on the road. The road positions (points of reference) of the vehicle assist the driver in determining when to start turning, vehicle limitations, or where the vehicle is actually located

**regulatory sign** – a sign controlling traffic

**restraint device** – any part of a vehicle holding an occupant in the seat during a collision

**restricted interlock license** – authorizes an individual to operate a motor vehicle equipped with an ignition interlock device

**revocation** – the termination of a driver license or privilege for an indefinite period of time. May be restored when all requirements for the revocation have been satisfied

**right of way** – privilege of having immediate use of a certain part of a road

**right turn on red** – turning right when the red signal is on, after stopping behind the intersection guides, unless specifically prohibited to turn

**roadway marking** – markings and lane delineators (reflectors) providing you with warning or direction

**rocking a vehicle** – repeating the sequence of driving forward a little then back a little to move your vehicle out of deep snow, mud, or sand

**rumble strips** – sections of rough pavement intended to alert drivers of approaching roadway construction, tollbooth plaza, or other traffic conditions

### - S -

**safety belt** – a lap belt and any shoulder straps included as original equipment on or added to a vehicle

**safety chains** – backup link used in case a trailer hitch fails

**school zone** – portion of a street or highway near a school subject to special speed limits

**shared left-turn lane** – the lane on a busy street helping drivers make safe mid-block left turns into business areas from a center lane

**skid** – occurs when tire patches lose part or all of their traction on the roadway surface due to abrupt suspension balance or roadway surfaces conditions

**skid mark** – a mark on the road surface from a tire sliding due to a loss of traction from braking or abrupt steering

**slow-moving vehicle** – the vehicle is unable to travel at highway speed

**speed smear** – occurs when objects in your peripheral vision become blurred and distorted as your speed increases

**staggered stop** – stopping when the white line visually disappears under the hood line. This allows extra space for left-turning vehicles

**standard reference point** – point which allows for vehicle placement on a road typical for most drivers

**stimulant** – drug that speeds up the central nervous system

**stopping position** – stopping behind a vehicle in a position allowing the driver enough space to steer around the vehicle to avoid a stalled, turning, or backing vehicle

**suspension** – the temporary withdrawal of a driver license or privilege for a definite period of time

### - T -

**tailgate** – to follow another vehicle too closely

**total stopping distance** – the distance your vehicle travels while you make a stop

**traction** – friction or gripping power between the tire patches and the road surface

**traffic circle** – the intersections that form when several roads meet at a circle

**traffic control devices** – any signal, sign, or pavement marking used to control the movement of traffic

**traffic signal** – any signal used to control the movement of traffic

**tunnel vision** – the ability to see in a narrow field of vision of 140 degrees or less with little effective peripheral vision

**turn** – vehicle maneuver to change direction to the left or right

**turnabout** – the maneuvers for turning into or out of a road/driveway using reference points for positioning

### - U -

**uncontrolled intersection** – an intersection that has no signs or signals to regulate traffic including railroad crossings that do not have flashing red lights or crossing gates

**under-insured motorist insurance** – covers costs exceeding the amount the other person's insurance company will pay as a result of a collision caused by another's fault

**uninsured motorist insurance** – covers costs up to a certain amount if you are struck by another vehicle whose driver has no insurance

**unprotected left turn** – left turn made at a signal-controlled intersection without a special left turn light

**urban district** – the territory adjacent to and including a highway, if the territory is improved with structures used for business, industry, or dwelling houses and are located at intervals of less than 100 feet for a distance of at least one-quarter mile on either side of the highway

- V -

**vehicle** – a device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks

**vehicle malfunctions** – failures of the vehicle to perform as designed, such as tire, steering, suspension, acceleration, fuel, etc.

**vehicle maintenance** – the scheduled or unscheduled upkeep or repair of a vehicle

**vehicle maneuvers** – moving forward, moving backward, turning, lateral maneuvers, and turnabouts

**visibility** – the ability to see

- W -

**warning sign** – a sign alerting you to possible hazards and road conditions

**warning light** – an instrument panel light warning of a system malfunction and usually stays on while the system is malfunctioning

- X -

- Y -

**yield** – to allow another vehicle or roadway user to proceed first

- Z -

**zero tolerance law** – it is illegal for individuals who are under 21 years of age to drive with any measurable amount of alcohol in their blood

## **Appendix B: Driver License Offices**

### **Full-Time Driver License Offices**

Full-time (FT) driver license offices are open from 8:00 a.m. until 5:00 p.m., Monday through Friday. Some offices offer extended hours and a few offices routinely close during the noon hour. In addition, some offices offer online scheduling. To see if an office near you offers online scheduling, visit our website at [www.dps.texas.gov/DriverLicense](http://www.dps.texas.gov/DriverLicense) and schedule an appointment.

### **Scheduled Driver License Offices**

Scheduled (S) driver license offices are usually staffed with only one customer service representative. Depending on the location, the customer service representative is required to be away from the office part of the day while conducting driving tests and other DPS business.

### **Mega Center Offices**

Mega Centers (MC) are full-time driver license offices but offer additional alternatives to waiting in line for a driver license or ID card. Mega Centers are staffed by at least 25 employees, can process up to 1,000 customers per day, and have plenty of parking. With over 20 automated testing stations, more than 400 customers can take a knowledge test each day. Mega Centers also provide customers the option to get in line using a text-enabled cell phone (restricted or blocked cell phone numbers will not work). Once customers are in line, the system will send text alerts informing them of when their spot in line approaches.

\*Information regarding driver license offices is current at the time of printing. For the most up-to-date information on any driver license office, including specific hours of operation and closures due to weather or facility issues, visit our website at [www.dps.texas.gov/DriverLicense](http://www.dps.texas.gov/DriverLicense)

## Appendix C

### Study and Review Questions for Class C Operators

1. What is the minimum age at which you can get a Class C driver license without either driver education or being a hardship case? (*Chpt. 1*)
2. How much is the maximum fine for a first conviction of driving without a license? (*Chpt. 1*)
3. What type of restrictions may be placed on your license? (*Chpt. 1*)
4. In what direction should you turn your wheels when parking uphill without a curb? (*Chpt. 7*)
5. What action should you take if you fail to receive the renewal notice card reminding you that your driver license is about to expire? (*Chpt. 1*)
6. On a one-way street, what color is the broken lane marker? (*Chpt. 5*)
7. Describe the "Yield" sign. (*Chpt. 5*)
8. What does a "Narrow Bridge" sign look like, and how should the driver react when he sees one? (*Chpt. 5*)
9. What is the shape of a "Keep Right" sign, and how should the driver react when he sees one? (*Chpt. 5*)
10. Which sign tells you to slow down because you are approaching a double curve? (*Chpt. 5*)
11. What does a "Do Not Pass" sign mean? (*Chpt. 5*)
12. Which sign tells you to keep in the right-hand lane when driving slow? (*Chpt. 5*)
13. What does "Yield Right-of-Way" mean? (*Chpt. 4, 5*)
14. Describe the equipment required on passenger cars by state law. (*Chpt. 2*)
15. What is the purpose of an exhaust emission system? (*Chpt. 2*)
16. Describe the types of equipment that Texas state law specifically forbids on passenger cars driven within the state. (*Chpt. 2*)
17. How should you react when a traffic officer tells you to do something that is ordinarily considered to be against the law? (*Chpt. 5*)
18. Once the brakes have been applied, about how many feet does a car which was going 70 mph travel before it comes to a stop? (*Chpt. 8*)
19. When is it necessary to stop before proceeding when you overtake a school bus loading or unloading children? (*Chpt. 4*)
20. About how many feet will the average driver going 50 mph travel from the moment he sees danger until he hits the brakes? (*Chpt. 8*)
21. Within how many feet of a crosswalk may you park, when parking near a corner? (*Chpt. 7*)
22. What is the state speed limit for automobiles in urban districts? (*Chpt. 8*)
23. Does a posted speed limit of 55 mph mean that you may drive 55 mph on that highway under all conditions? (*Chpt. 8*)
24. You should never drive on the left half of the roadway when you are within how many feet from an intersection, bridge, or railroad crossing? (*Chpt. 6*)
25. What should you do if you discover you are in the wrong lane to make a turn as you enter an intersection? (*Chpt. 6*)
26. When two cars meet at the intersection of a two-lane road with a four-lane road, which one must yield the right-of-way? (*Chpt. 4*)
27. If you are driving and hear a siren coming, what should you do? (*Chpt. 4*)
28. What is the first thing that should be done when a car starts to skid? (*Chpt. 9*)
29. At what time of the day should your headlights be turned on? (*Chpt. 9*)
30. Under what conditions may your driver license be suspended? (*Chpt. 1*)

31. What is carbon monoxide, and how may it be harmful to drivers? (*Chpt. 14*)
32. Describe what you should do if you have a blowout while driving. (*Chpt. 9*)
33. What should you do when driving down a steep grade in a car with standard transmission? (*Chpt. 9*)
34. What should you do if you damage an unattended vehicle? (*Chpt. 11*)
35. When are crash reports required? (*Chpt. 11*)
36. If you are required to show proof of financial responsibility for the future, how many years must such proof be kept up? (*Chpt. 3*)
37. What type of sign warns you to watch right and left for cross traffic? (*Chpt. 5*)
38. Describe the emblem that identifies vehicles which travel at speeds of 25 mph or less. (*Chpt. 5*)
39. In which gear should you drive when going down a steep hill? (*Chpt. 9*)
40. What qualifications must one have to teach a beginner to drive? (*Chpt. 1*)
41. If the person is under 18, when does his provisional license expire? (*Chpt. 1*)
42. When parked parallel, your curb side wheels must be no more than how many inches from the curb? (*Chpt. 7*)
43. When following another car, what is a good distance at which you should follow behind? (*Chpt. 8*)
44. To what agency and within what time period must a change of address be reported for driver licensing purposes? (*Chpt. 1*)
45. What effects does the use of marijuana and amphetamine have on driving? (*Chpt. 10*)
46. What is the penalty for being convicted of driving while intoxicated? (*Chpt. 10*)
47. What does a green arrow showing with a red light mean? (*Chpt. 5*)
48. How should you react to a flashing red light? (*Chpt. 5*)
49. Which sign tells you to watch out for a train? (*Chpt. 5*)
50. Describe the sign that warns you to slow down for a winding road. (*Chpt. 5*)
51. What sign indicates that the road that you are on merges with another? (*Chpt. 5*)
52. What kind of sign warns you that the highest safe speed for the turn ahead is 25 mph? (*Chpt. 5*)
53. Describe the sign that tells you to watch for cross traffic ahead. (*Chpt. 5*)
54. What type of sign warns you that you should slow down for a sharp rise in the roadway? (*Chpt. 5*)
55. Describe the type of sign that would let you know that you were on a short state highway in a city or urban area. (*Chpt. 5*)
56. What is the maximum number of inches you may lawfully allow an object to extend beyond the left fender of your car? (*Chpt. 2*)
57. Under what conditions must you always stop? (*Chpt. 5*)
58. What should you do when coming onto a street from a private alley or driveway? (*Chpt. 4*)
59. If a child runs into the road 45 to 50 feet ahead of your car, what is the highest speed from which you can stop with good brakes without hitting him? (*Chpt. 8*)
60. How close to a fireplug may a vehicle lawfully park? (*Chpt. 7*)
61. What does a posted speed limit of 55 mph mean? (*Chpt. 5*)
62. What is the maximum speed limit for passenger cars on a Texas Highway numbered by this state or United States outside an urban district? (*Chpt. 8*)
63. Under what circumstances should you never attempt to pass a car ahead of you? (*Chpt. 6*)
64. Under what conditions are overtaking and passing to the right not permitted? (*Chpt. 6*)



65. When a driver is waiting to make a left turn, what is the procedure he should take when the light turns green? (*Chpt. 5*)
66. What precautions should a driver take at uncontrolled intersections? (*Chpt. 4*)
67. What regulations should a bicycle rider observe? (*Chpt. 13*)
68. Under what conditions should headlights be used? (*Chpt. 9*)
69. You should dim your lights when you are within how many feet of an approaching car? (*Chpt. 9*)
70. What type of lighting should cars use when parked on the highway at night? (*Chpt. 9*)
71. Which lights should you use when you are driving in a fog? (*Chpt. 9*)
72. When are you required to show proof of financial responsibility? (*Chpt. 3*)
73. When needed, how may one show proof of financial responsibility? (*Chpt. 3*)
74. What sign warns you that you must slow down? (*Chpt. 5*)
75. What circumstances may lead to possible loss of your license? (*Chpt. 1*)
76. In addition to mufflers, what new equipment is required on all cars manufactured in 1968 and after? (*Chpt. 2*)
77. Why are seat belts important? (*Chpt. 14*)
78. What is meant by "defensive driving?" (*Chpt. 14*)
79. What are the different classes of licenses and age requirements for each? (*Chpt. 1*)
80. When is a bicyclist not required to ride to the right of the roadway? (*Chpt. 13*)
81. When are bicyclists allowed to ride two abreast in a traffic lane? (*Chpt. 13*)
82. What are the three most common motorist caused car-bicycle crashes? (*Chpt. 9*)
83. What are the penalties for minors (persons under the age of 21) convicted of Driving Under the Influence of Alcohol? (*Chpt. 10*)
84. What are the penalties for minors (persons under the age of 21) convicted of non-driving alcohol-related offenses? (*Chpt. 10*)

## Appendix D: Fees

\*A \$1 administrative fee is included in the following fee amounts. If you are completing more than one transaction at the same time in person or online, you will only be charged this fee once. The \$1 administrative fee is not charged for transactions conducted through the mail.

Driver License Fees		
License type	*Fee	Information
<b>Driver license (Class A, B or C)</b>		
Under 18: new	<b>\$16</b>	Expires on your 18th birthday
Age 18 to 84: new	<b>\$25</b>	Expires after six years (on your birthday)
Age 18 to 84: renewal	<b>\$25</b>	Expires six years after previous expiration date
Age 85 and older: new	<b>\$9</b>	Expires after two years (on your birthday)
Age 85 and older: renewal	<b>\$9</b>	Expires two years after previous expiration date
Disabled veterans (60%): new or renewal	<b>Free</b>	Requirements for fee exemption
<b>Replacement driver license</b>		
Replace a lost, stolen, or damaged license Change address or name Test to add or remove restrictions	<b>\$11</b>	Current expiration date does not change
<b>Learner license—under 18</b>		
New	<b>\$16</b>	Expires on your 18th birthday
<b>Motorcycle with driver license (Class AM, BM or CM)</b>		
New—add to driver license fee	<b>\$15</b>	Expires when your driver license expires (depends on age; see driver license section)
Renewal—add to driver license renewal fee	<b>\$8</b>	Expires when your driver license expires (depends on age; see driver license section)
Add motorcycle to existing driver license	<b>\$16</b>	Expiration date on driver license does not change
<b>Motorcycle license (Class M) only</b>		
New	<b>\$25</b>	Expires when your driver license expires (depends on age; see driver license section)
Renewal	<b>\$33</b>	Expiration date depends on age; see driver license section
<b>Learner license for motorcycle (Class M) only</b>		
Under 18	<b>\$16</b>	Expires on your 18th birthday
<b>Limited term driver license</b>		
For temporary visitors to the US	<b>\$25</b>	Expires when period of lawful presence expires, or in one year if lawful presence period is “duration of status”

#### Driver License Fees

License type	*Fee	Information
<b>Occupational driver license</b>		
New or renewal	<b>\$10</b> per year	Issued up to two years Must pay reinstatement fees first
<b>Add interlock restriction to driver license</b>	<b>\$10</b>	Must pay reinstatement fees first
<b>Driver license for individuals registered under Chapter 62, CCP</b>		
New or renewal	<b>\$21</b>	Expires one year after previous expiration date

#### Identification Card (ID) Fees

ID type	*Fee	Information
<b>Identification (ID) card</b>		
Age 59 and younger: new	<b>\$16</b>	Expires after six years (on your birthday)
Age 59 and younger: renewal	<b>\$16</b>	Expires six years after previous expiration date
Age 60 and older: new or renewal	<b>\$6</b>	Expires six years after previous expiration date
<b>Replacement ID card</b>		
Replace a lost, stolen, or damaged ID card Change address or name	<b>\$11</b>	Current expiration date does not change
<b>Limited term ID card</b>		
For temporary visitors to the U.S.	<b>\$16</b>	Expires when period of lawful presence expires, or in one year if lawful presence period is "duration of status"
<b>ID card for individuals registered under Chapter 62, CCP</b>		
New or renewal	<b>\$21</b>	Expires one year after previous expiration date



## AVOID THE CONSEQUENCES



**HAVE YOUR  
DRIVER LICENSE  
REVOKED**



**GO  
TO  
JAIL**



**LOSE  
YOUR  
JOB**

THERE ARE **SEVERE PENALTIES** FOR USING OR EVEN **POSSESSING A FAKE ID**. WHEN YOU'RE CAUGHT, YOU MAY FACE **MISDEMEANOR OR FELONY CHARGES**, LOSE YOUR DRIVER LICENSE AND HAVE A **PERMANENT CRIMINAL RECORD**.

### TEXAS LAW MAKES IT CLEAR

#### **Possess a counterfeit ID:**

Class C misdemeanor, punishable by a fine up to \$500 and community service (TRC 521.456)

#### **Falsely state you are at least 21 years old to a person selling or serving alcoholic beverages:**

Class C misdemeanor, punishable by a fine up to \$500 and community service (ABC 106.07)

#### **Possess or display an ID that is not issued to you:**

Class A misdemeanor, punishable by up to one year in jail, a fine up to \$4000, or both (TRC 521.451)

#### **Possess or display an ID that is fictitious or has been altered:**

Class A misdemeanor, punishable by up to one year in jail, a fine up to \$4000, or both (TRC 521.451)

#### **Allow someone to use your ID:**

Class A misdemeanor, punishable by up to one year in jail, a fine up to \$4000, or both (TRC 521.451)

### UNSEEN CONSEQUENCES

Besides the criminal penalties, providing your personal information to counterfeit ID vendors has unseen consequences. Counterfeiters often sell your information to other criminals who will take out loans, open bank accounts, and commit crimes under your name. Ordering a fake ID online can ruin your credit score, hurt your job prospects, and land you a criminal record.



**Keeping  
Identities  
Safe**  
COALITION FOR A  
SECURE DRIVER LICENSE

[www.dps.texas.gov](http://www.dps.texas.gov)

DLM-120 (Rev. 11/15)

# Are you interested in an exciting career with the DPS?

## Top 10 Reasons to Join Texas DPS

1. Competitive salaries and benefits
2. Vacation and sick leave monthly accruals
3. Overtime and stipend pay for education and second language
4. Clothing allowance and state of the art equipment provided
5. Opportunity for graduate and post graduate degrees
6. State issued vehicles for Law Enforcement positions
7. Wide range of specialties and promotion opportunities:
  - State Trooper
  - Texas Rangers
  - Intelligence and Counter Terrorism
  - Special Weapons And Tactics (SWAT)
  - Explosive Ordinance Disposal (EOD)
  - Tactical Marine Unit
  - Dive Team
  - Rotary and Fixed Wing Pilots
  - K-9 and Motorcycle Unit
8. Career stability within a legendary and highly elite organization
9. State wide jurisdiction and opportunity to live and work anywhere in the State
10. To Protect and Serve Texas



### Driver License Division Careers

Be on the front lines in keeping Texas secure and providing excellent customer service to over 20 million Texas residents with the Texas Department of Public Safety.



For many career opportunities visit  
[dps.texas.gov](http://dps.texas.gov)

# EXHIBIT 13



**Persons Naturalized During Fiscal Year 2012**  
**by State of Residence and Selected Characteristics**

**State: Texas**

<b>Characteristic</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Unknown</b>
Total	57,762	26,877	30,885	-
Age				
Under 18 years	-	-	-	-
18-24 years	5,585	2,522	3,063	-
25-34 years	14,886	6,452	8,434	-
35-44 years	16,350	7,407	8,943	-
45-54 years	10,415	5,327	5,088	-
55-64 years	6,484	3,270	3,214	-
65 years and over	4,042	1,899	2,143	-
Unknown	-	-	-	-
Marital status				
Single	11,077	5,624	5,453	-
Married	39,894	18,822	21,072	-
Other	6,791	2,431	4,360	-
Unknown	-	-	-	-
Occupation				
Management, professional, and related occupations	3,886	1,336	2,550	-
Service occupations	5,921	1,853	4,068	-
Sales and office occupations	4,608	1,791	2,817	-
Farming, fishing, and forestry occupations	107	98	9	-
Construction, extraction, maintenance and repair occupations	1,632	1,574	58	-
Production, transportation, and material moving occupations	7,788	5,566	2,222	-
Military	183	145	38	-
No occupation/not working outside home	12,992	3,731	9,261	-
Homemakers	4,092	63	4,029	-
Students or children	3,771	1,515	2,256	-
Retirees	1,513	914	599	-
Unemployed	3,616	1,239	2,377	-
Unknown	20,645	10,783	9,862	-
Leading countries of birth				
Bangladesh	447	228	219	-
Canada	660	345	315	-
China	1,292	518	774	-
Colombia	1,121	447	674	-
El Salvador	2,303	1,095	1,208	-
Ethiopia	601	304	297	-
Guatemala	545	262	283	-



Honduras	558	205	353	-
India	4,040	1,983	2,057	-
Iran	692	338	354	-
Kenya	558	263	295	-
Korea, South	660	287	373	-
Mexico	21,535	10,623	10,912	-
Nigeria	1,779	839	940	-
Pakistan	1,671	824	847	-
Peru	448	181	267	-
Philippines	2,663	962	1,701	-
United Kingdom	723	410	313	-
Venezuela	624	267	357	-
Vietnam	3,022	1,044	1,978	-
Other	11,794	5,439	6,355	-
Unknown	26	13	13	-

D Data withheld to limit disclosure.

- Represents zero.

Source: U.S. Department of Homeland Security

**Persons Naturalized During Fiscal Year 2013**  
**by State of Residence and Selected Characteristics**

**State: Texas**

<b>Characteristic</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Unknown</b>
Total	57,947	27,046	30,901	-
Age				
Under 18 years	-	-	-	-
18-24 years	5,298	2,481	2,817	-
25-34 years	15,012	6,479	8,533	-
35-44 years	16,620	7,776	8,844	-
45-54 years	10,426	5,286	5,140	-
55-64 years	6,361	3,137	3,224	-
65 years and over	4,230	1,887	2,343	-
Unknown	-	-	-	-
Marital status				
Single	10,875	5,824	5,051	-
Married	40,534	18,921	21,613	-
Other	6,538	2,301	4,237	-
Unknown	-	-	-	-
Occupation				
Management, professional, and related occupations	3,568	1,373	2,195	-
Service occupations	6,011	1,898	4,113	-
Sales and office occupations	4,569	1,744	2,825	-
Farming, fishing, and forestry occupations	93	80	13	-
Construction, extraction, maintenance and repair occupations	1,495	1,445	50	-
Production, transportation, and material moving occupations	7,877	5,608	2,269	-
Military	304	245	59	-
No occupation/not working outside home	13,195	3,567	9,628	-
Homemakers	4,760	49	4,711	-
Students or children	3,812	1,578	2,234	-
Retirees	1,670	937	733	-
Unemployed	2,953	1,003	1,950	-
Unknown	20,835	11,086	9,749	-
Leading countries of birth				
Bangladesh	543	281	262	-
Canada	650	302	348	-
China	1,462	627	835	-
Colombia	1,087	467	620	-
Cuba	482	252	230	-
El Salvador	2,213	1,044	1,169	-
Ethiopia	635	327	308	-

Guatemala	573	308	265	-
Honduras	571	236	335	-
India	4,476	2,247	2,229	-
Iran	784	391	393	-
Kenya	516	238	278	-
Korea, South	772	324	448	-
Mexico	20,232	9,831	10,401	-
Nigeria	1,733	857	876	-
Pakistan	1,908	948	960	-
Philippines	2,231	830	1,401	-
United Kingdom	728	400	328	-
Venezuela	748	345	403	-
Vietnam	3,239	1,133	2,106	-
Other	12,353	5,651	6,702	-
Unknown	11	7	4	-

D Data withheld to limit disclosure.

- Represents zero.

Source: U.S. Department of Homeland Security

**Persons Naturalized During Fiscal Year 2014**  
**by State/Territory of Residence and Selected Characteristics**

**State/Territory: Texas**

<b>Characteristic</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Unknown</b>
Total	52,879	24,353	28,526	-
Age				
Under 18 years	-	-	-	-
18-24 years	4,632	2,187	2,445	-
25-34 years	13,357	5,757	7,600	-
35-44 years	14,943	6,867	8,076	-
45-54 years	9,877	4,837	5,040	-
55-64 years	6,033	2,843	3,190	-
65 years and over	4,037	1,862	2,175	-
Unknown	-	-	-	-
Marital status				
Single	10,030	5,323	4,707	-
Married	36,713	16,888	19,825	-
Other	6,136	2,142	3,994	-
Unknown	-	-	-	-
Occupation				
Management, professional, and related occupations	9,802	5,237	4,565	-
Service occupations	5,020	1,554	3,466	-
Sales and office occupations	4,253	1,552	2,701	-
Farming, fishing, and forestry occupations	88	77	11	-
Construction, extraction, maintenance and repair occupations	1,272	1,232	40	-
Production, transportation, and material moving occupations	5,829	4,408	1,421	-
Military	210	169	41	-
No occupation/not working outside home	11,665	2,980	8,685	-
Homemakers	4,176	37	4,139	-
Students or children	2,709	1,084	1,625	-
Retirees	1,430	823	607	-
Unemployed	3,350	1,036	2,314	-
Unknown	14,740	7,144	7,596	-
Leading countries of birth				
Bangladesh	408	199	209	-
Canada	619	294	325	-
China	1,237	508	729	-
Colombia	892	381	511	-
El Salvador	1,999	949	1,050	-
Ethiopia	536	265	271	-
Guatemala	495	244	251	-

Honduras	484	196	288	-
India	3,624	1,812	1,812	-
Iran	620	296	324	-
Iraq	803	439	364	-
Kenya	426	209	217	-
Korea, South	659	300	359	-
Mexico	20,403	9,481	10,922	-
Nigeria	1,529	749	780	-
Pakistan	1,597	785	812	-
Philippines	1,771	583	1,188	-
United Kingdom	700	385	315	-
Venezuela	612	265	347	-
Vietnam	2,487	886	1,601	-
Other	10,972	5,122	5,850	-
Unknown	6	5	1	-

D Data withheld to limit disclosure.

- Represents zero.

Source: U.S. Department of Homeland Security.

**Persons Naturalized During Fiscal Year 2015**  
**by State/Territory of Residence and Selected Characteristics**

**State/Territory: Texas**

<b>Characteristic</b>	<b>Total</b>	<b>Female</b>	<b>Male</b>	<b>Unknown</b>
Total	65,467	35,744	29,723	-
Age				
Under 18 years	-	-	-	-
18-24 years	5,670	3,007	2,663	-
25-34 years	16,725	9,500	7,225	-
35-44 years	18,210	9,903	8,307	-
45-54 years	12,003	6,347	5,656	-
55-64 years	7,711	4,062	3,649	-
65 years and over	5,148	2,925	2,223	-
Unknown	-	-	-	-
Marital status				
Married	45,046	24,664	20,382	-
Single	12,800	6,028	6,772	-
Other	7,620	5,052	2,568	-
Unknown	1	-	1	-
Occupation				
Management, professional, and related occupations	10,833	5,137	5,696	-
Service occupations	6,313	4,316	1,997	-
Sales and office occupations	5,117	3,194	1,923	-
Farming, fishing, and forestry occupations	88	7	81	-
Construction, extraction, maintenance and repair occupations	1,674	66	1,608	-
Production, transportation, and material moving occupations	6,039	1,419	4,620	-
Military	132	24	108	-
No occupation/not working outside home	15,026	11,198	3,828	-
Homemakers	5,535	5,481	54	-
Students or children	2,917	1,667	1,250	-
Retirees	1,703	771	932	-
Unemployed	4,871	3,279	1,592	-
Unknown	20,245	10,383	9,862	-
Leading countries of birth				
Canada	733	375	358	-
China	1,434	857	577	-
Colombia	1,102	701	401	-
Cuba	633	332	301	-
El Salvador	2,689	1,481	1,208	-
Ethiopia	737	340	397	-
Guatemala	690	354	336	-

Honduras	681	427	254	-
India	4,334	2,196	2,138	-
Iran	755	397	358	-
Iraq	1,288	531	757	-
Kenya	691	378	313	-
Korea, South	795	474	321	-
Mexico	23,603	12,880	10,723	-
Nigeria	2,105	1,069	1,036	-
Pakistan	2,036	1,091	945	-
Philippines	2,209	1,443	766	-
United Kingdom	807	349	458	-
Venezuela	973	546	427	-
Vietnam	3,179	2,031	1,148	-
Other	13,989	7,490	6,499	-
Unknown	4	2	2	-

D Data withheld to limit disclosure.

- Represents zero.

Source: U.S. Department of Homeland Security.



**Persons Naturalized During Fiscal Year 2016**  
**by State/Territory of Residence and Selected Characteristics**

**State/Territory: Texas**

<b>Characteristic</b>	<b>Total</b>	<b>Female</b>	<b>Male</b>	<b>Unknown</b>
Total	63,945	34,953	28,992	-
Age				
Under 18 years	-	-	-	-
18-24 years	5,651	3,017	2,634	-
25-34 years	16,387	9,223	7,164	-
35-44 years	17,136	9,374	7,762	-
45-54 years	11,748	6,201	5,547	-
55-64 years	7,568	4,097	3,471	-
65 years and over	5,455	3,041	2,414	-
Unknown	-	-	-	-
Marital status				
Married	43,786	24,004	19,782	-
Single	12,605	5,941	6,664	-
Other	7,553	5,008	2,545	-
Unknown	1	-	1	-
Occupation				
Management, professional, and related occupations	11,379	5,447	5,932	-
Service occupations	6,995	4,776	2,219	-
Sales and office occupations	5,093	3,132	1,961	-
Farming, fishing, and forestry occupations	128	24	104	-
Construction, extraction, maintenance and repair occupations	1,841	68	1,773	-
Production, transportation, and material moving occupations	6,903	1,913	4,990	-
Military	248	63	185	-
No occupation/not working outside home	15,960	11,604	4,356	-
Homemakers	5,599	5,529	70	-
Students or children	2,879	1,591	1,288	-
Retirees	1,908	815	1,093	-
Unemployed	5,574	3,669	1,905	-
Unknown	15,398	7,926	7,472	-
Leading countries of birth				
Burma	616	297	319	-
China, People's Republic	1,710	1,020	690	-
Colombia	1,134	715	419	-
Cuba	803	402	401	-
El Salvador	2,136	1,152	984	-
Ethiopia	744	367	377	-
Honduras	616	393	223	-

India	4,670	2,398	2,272	-
Iran	750	408	342	-
Iraq	1,020	449	571	-
Kenya	729	379	350	-
Korea, South	774	423	351	-
Mexico	22,687	12,486	10,201	-
Nepal	655	292	363	-
Nigeria	2,038	1,041	997	-
Pakistan	1,980	1,040	940	-
Philippines	2,005	1,310	695	-
United Kingdom	758	359	399	-
Venezuela	925	510	415	-
Vietnam	3,603	2,207	1,396	-
Other	13,591	7,304	6,287	-
Unknown	1	1	-	-

D Data withheld to limit disclosure.

- Represents zero.

Source: U.S. Department of Homeland Security.

**Persons Naturalized During Fiscal Year 2017**  
**by State/Territory of Residence and Selected Characteristics**

**State/Territory: Texas**

<b>Characteristic</b>	<b>Total</b>	<b>Female</b>	<b>Male</b>	<b>Unknown</b>
Total	50,552	27,794	22,757	1
Age				
Under 18 years	-	-	-	-
18-24 years	3,585	1,924	1,661	-
25-34 years	11,370	6,467	4,902	1
35-44 years	13,618	7,407	6,211	-
45-54 years	9,575	5,065	4,510	-
55-64 years	7,174	4,042	3,132	-
65 years and over	5,230	2,889	2,341	-
Unknown	-	-	-	-
Marital status				
Married	35,442	19,242	16,200	-
Single	8,696	4,257	4,438	1
Other	6,337	4,256	2,081	-
Unknown	77	39	38	-
Occupation				
Management, professional, and related occupations	13,056	6,651	6,405	-
Service occupations	4,707	3,260	1,447	-
Sales and office occupations	3,631	2,444	1,187	-
Farming, fishing, and forestry occupations	101	14	87	-
Construction, extraction, maintenance and repair occupations	1,832	195	1,637	-
Production, transportation, and material moving occupations	4,468	1,101	3,367	-
Military	284	72	212	-
No occupation/not working outside home	8,669	6,371	2,298	-
Homemakers	2,937	2,895	42	-
Students or children	1,121	666	455	-
Retirees	1,240	527	713	-
Unemployed	3,371	2,283	1,088	-
Unknown	13,804	7,686	6,117	1
Leading countries of birth				
Burma	475	222	253	-
Canada	434	239	195	-
China, People's Republic	1,233	713	520	-
Colombia	776	484	292	-
Cuba	611	304	307	-
El Salvador	1,625	957	668	-
Ethiopia	444	193	251	-

Honduras	517	304	213	-
India	3,770	1,833	1,937	-
Iran	560	286	274	-
Iraq	475	200	275	-
Kenya	411	238	173	-
Korea, South	587	320	267	-
Mexico	22,167	12,285	9,881	1
Nigeria	1,225	604	621	-
Pakistan	1,207	628	579	-
Philippines	1,391	955	436	-
United Kingdom	490	236	254	-
Venezuela	597	335	262	-
Vietnam	2,248	1,402	846	-
Other	9,294	5,048	4,246	-
Unknown	15	8	7	-

D Data withheld to limit disclosure.

- Represents zero.

Source: U.S. Department of Homeland Security.

# EXHIBIT 14

Table 11. Reported Voting and Registration Among Native and Naturalized Citizens, by Race, and Region of Origin: November 2016  
(In thousands)

		United States citizen												
		Total Citizen Population	Reported registered		Reported not registered		No response to		Reported voted		Reported not voted		No response to voting <sup>2</sup>	
Nativity status, race, and Hispanic origin			Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Naturalized citizen	All races	19,847	12,245	61.7	4,488	22.6	3,115	15.7	10,774	54.3	6,079	30.6	2,995	15.1
	White alone	10,796	6,704	62.1	2,365	21.9	1,727	16.0	5,844	54.1	3,300	30.6	1,652	15.3
	White non-Hispanic alone	4,635	3,056	65.9	854	18.4	725	15.6	2,594	56.0	1,365	29.4	677	14.6
	Black alone	2,210	1,472	66.6	369	16.7	370	16.7	1,363	61.7	477	21.6	370	16.8
	Asian alone	6,307	3,738	59.3	1,637	26.0	932	14.8	3,265	51.8	2,156	34.2	887	14.1
	Hispanic (of any race)	6,815	4,070	59.7	1,641	24.1	1,105	16.2	3,642	53.4	2,095	30.7	1,078	15.8
	White alone or in combination	10,981	6,827	62.2	2,393	21.8	1,761	16.0	5,959	54.3	3,336	30.4	1,686	15.4
	Black alone or in combination	2,290	1,507	65.8	396	17.3	387	16.9	1,398	61.1	504	22.0	388	16.9
	Asian alone or in combination	6,367	3,783	59.4	1,641	25.8	943	14.8	3,305	51.9	2,164	34.0	898	14.1

<sup>1</sup> 'No response to registration' includes those who were not asked if they were registered as well as those who responded 'Don't Know,' and 'Refused.'

<sup>2</sup> 'No response to voting' includes those who were not asked if they voted as well as those who responded 'Don't Know,' and 'Refused.'

Source: U.S. Census Bureau, Current Population Survey, November 2016

# EXHIBIT 15





## U.S. ELECTION ASSISTANCE COMMISSION

### 2016 Election Administration and Voting Survey

#### Supplemental Instruction Manual

The information in this Supplemental Instruction Manual (SIM) to the 2016 Election Administration and Voting Survey (EAVS) explains each question so that you can fill out the questionnaire accurately. It contains detailed information, definitions, and guidance—question by question—that will help you provide the appropriate election data for your State.

**Please read this document carefully before answering the survey.** A number of important updates were made in response to your feedback on the 2014 EAVS. Several questions in Section B are no longer required. Though the survey questions have not changed, many items have been clarified and key terms defined. Certain key terms are underlined and in blue. If you press “Ctrl” and click the word, it will take you to the definition of the term. We hope these updates save you time and effort in completing the survey and help you to provide more reliable and accurate information.

In all cases, please use the **Comment** boxes as needed to provide us with additional information regarding how you answered the questions, including any explanations about the quality of the data you are providing. This will help us analyze and present the data more accurately. Your explanations do not need to be detailed or lengthy; we can come back to you for further information if needed. If a question asks for information that your State or jurisdiction does not collect, select “Data not available” or enter “N/A” for that item.

Although we have tried to make this manual as complete as possible, we know it may not answer all of your questions. Additional documentation and information about the EAVS survey is available on the project website: <https://EAVSportal.com>. Should you have questions or need assistance, please contact the project support team at [EAVS@forsmarshgroup.com](mailto:EAVS@forsmarshgroup.com) or email or call your EAVS technical assistance person.

Thank you in advance for all your hard work in helping to make the U.S. Election Assistance Commission’s 2016 Election Administration and Voting Survey the most successful yet!

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## SECTION A: VOTER REGISTRATION

### A1. Total Number Registered and Eligible Persons

This question refers to the number of *people* (not votes or ballots) who were registered and eligible to vote in the November 2016 general election. This includes all individuals who registered to vote through the close of voter registration rolls for the election. For States with Election Day voter registration, registered and eligible voters include all individuals who registered to vote through the close of the polls on Election Day.

The number of registered and eligible persons should *NOT* include:

- Individuals who registered to vote after the close of registration for the 2016 general election and were not be eligible to vote in the election;
- Persons under the age of 18 registered under a “pre-registration” program.

If your jurisdiction’s number includes any special groups or situations that we should be aware of, please use the **A1 Comments** box to tell us.

### A2. Active and Inactive Registered Voters

States, and sometimes jurisdictions within a State, differ in how they calculate and report the official number of registered voters. Some jurisdictions routinely report both active and inactive voters, and others only report active registered voters. To document differences between the numbers reported in this survey versus other official reports, this question asks which voters were included as part of your response to question **A1a** for your State’s total number of people registered and eligible to vote. For this question:

Active voters: Fully eligible voters who have no additional processing requirements to fulfill before voting.

Inactive voters: Voters who remain eligible to vote but require address verification under the provisions of the National Voter Registration Act.

This question is similar to one asked in the Statutory Overview document but is repeated here because some localities in the same State may calculate this number differently.

### A3. Active and Inactive Registered Voters

This question separates the total number of people [registered and eligible](#) to vote that were reported in **A1a** into two parts:

- A3a.** [Active](#): If only active voters were included in **A1a**, then the response for **A3a** will be the same as the number reported in **A1a**.
- A3b.** [Inactive](#): If your State or jurisdiction does not classify voters as “Inactive” check the “Data unavailable box” for question **A3b** and note in the **A3 Comments** box that your State does not use this classification.

### A4. Same Day Voter Registration

This question is intended to capture not only States with Same Day Voter Registration or Election Day Registration, but also the growing number of States that have some variation of Same Day Voter Registration, such as allowing registration on the same day for early voting. Note that this question is about registration *forms*, and not ballots cast or votes.

For example, imagine an unregistered person: Were there any circumstances in the November 2016 general election in which this person could have registered and voted on the same day in your jurisdiction? If there were no such circumstances, please check the “Not Applicable” box and skip to question **A5**. If there were such circumstances, provide the number of these same-day registrations that were submitted in **A4a**, and the reason why in **A4b**.

## A5. Total Registration Forms Processed—2014 to 2016

These questions ask about the number of registration forms processed in your jurisdiction from the close of registration for the November 2014 general election through the close of registration for the November 2016 general election. For example, a State with a voter registration deadline of 15 days before Election Day should include all forms received 14 days before the 2014 Election Day through 15 days before the 2016 Election Day. In States with Same Day Voter Registration or Election Day Registration, all registrations received after the close of the polls on Election Day in 2014 until the close of the polls on Election Day 2016 should be included in your answers.

**A5a.** Total: All registration forms received between the close of registration for the November 2014 general election and the close of registration for the November 2016 general election.

Next, divide the total number of registration forms reported in **A5a** into the following categories:

- A5b.** New valid registrations: All successful registrations that were not invalidated or rejected and did not duplicate or modify a previously existing registration in the jurisdiction.
- A5c.** New “pre-registrations” of persons under age 18: All registrations submitted by persons under the age of 18 years so that they will be registered when they become of voting age.
- A5d.** Duplicates of existing valid registrations: Applications to register submitted by persons already registered to vote at the same address, under the same name and personal information (e.g., date of birth, social security number, driver’s license, etc.), and the same political party (where applicable).
- A5e.** Invalid or rejected registrations: Registrations that did not meet the requirements of eligibility because they were not completed properly or the individual was excluded from being able to register in a jurisdiction.
- A5f.** Changes to name, party or within-jurisdiction address change registrations: Registrations that modified or edited voter information for individuals with current valid registrations.
- A5g.** Address changes that cross jurisdiction borders registrations: Registrations that modified or edited the address of persons with current valid registrations, where the address change places them in a different jurisdiction (such as a different county) from their current registration.

Use items **A5h** through **A5i** for any registration forms that cannot be placed into any of the categories specified in **A5b** through **A5g**.



## A6—A9. Total Registration Forms Processed, by Source

These questions ask about the *source* for each voter registration form reported in question **A5a**, and whether the form was a new registration, a duplicate of an existing registration, or an invalid or rejected registration.

- A6.** Total forms received: For every form reported in **A5a**, provide the source of the registration. Because not all registration categories are included as part of this series of registration-source questions, the sum of the numbers entered in **A7**, **A8**, and **A9** might not equal **A6**.
- A7.** New registrations: For every new valid registration reported in **A5b**, provide the source of the registration. This should not include pre-registrations of persons under the age of 18.
- A8.** Duplicate registrations: For every duplicate registration reported in **A5d**, provide the source of the registration.
- A9.** Invalid or rejected registrations: For every invalid or rejected registration reported in **A5e**, provide the source of the registration.

Questions **A8** and **A9** are mutually exclusive—duplicate registrations included in **A8** should not be included as invalid or rejected registrations in **A9**, and vice versa. If your jurisdiction does not track these categories separately, please mark the “Data not available” box.

- A6--A9c.** Submitted via the Internet: Include only registration forms that were completed and submitted through a web-based system. A form that was filled out online but submitted via email or printed and submitted via mail should be included under **A6—A9a**, “Individual voters submitting applications by mail, fax, or email.”

Use items **A6—A9j** through **A5—A9o** for registration forms received from sources other than those specified in **A6a—A9a** through **A6i—A9i**.

## A10. Total Confirmation of Registration Notices Sent to Voters

These questions ask about the total number of confirmation notices as defined under National Voter Registration Act (NVRA) Section 8 (d) (1) (B) and Section 8 (d) (2). Although NVRA distinguishes between “confirmation notices” and “removal notices,” some jurisdictions refer to “confirmation notices” as “removal notices” or something else. If your State is exempt from NVRA, please provide the information on confirmation notices as requested, but explain in the **A10 Comments** box why voters received a confirmation notice and include any differences from the NVRA’s definition of “confirmation notices.”

**A10a.** Total number of confirmation notices sent to registered voters: The total number of confirmation of registration notices sent to voters during the same two-year registration period used in question **A5**. Include both the notices sent because there was an indication that the registrant no longer resides in the jurisdiction and the notices sent because the voter has not voted or attempted to vote during the two-year period.

Next, divide the total number of confirmation notices reported in **A10a** into the following categories:

**A10b.** Received back from voters confirming registration: The total number of notices returned that confirmed an individual was still eligible to vote in the jurisdiction.

**A10c.** Received back confirming registration should be invalidated: The total number of notices returned that confirmed an individual was no longer eligible to vote in the jurisdiction or no longer wanted to be registered to vote.

**A10d.** Returned back as undeliverable: The total number of notices returned by the post office because the U.S. Postal Service could not deliver the notice.

**A10e.** Status unknown: Any notice that was sent to a voter but was not received back confirming registration (**A10b**), confirming invalidation (**A10c**), or returned as undeliverable (**A10d**).

Use items **A10f** through **A10h** for notices that cannot be placed into any of the categories specified in **A10b** through **A10e**.

## **A11. Total Voters Removed from Registration Rolls – 2014 to 2016**

These questions ask about the total number of voters removed from registration rolls during the same two-year period used in question **A5**.

**A11a.** Total number of voters removed: Include only those completely removed from the list of registered voters, not records moved to an inactive list.

Next, divide the total number of voters removed that were reported **A11a** by the reason for removal. Use items **A11h** through **A11k** for voters who were removed for reasons other than those specified in **A11b** through **A11g**. Note that **A11b** through **A11k** should add up to the total given in **A11a**.

## SECTION B: *UOCAVA* Ballots

The questions in this section of the survey reflect the need to fully understand *the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* voting process, which serves an important population segment of the American electorate.

An individual who registers and requests an absentee ballot using a Federal Post Card Application (FPCA) is covered by *UOCAVA*. However, your State may cover additional individuals under *UOCAVA*. For example, a National Guard member activated on State orders is often considered a *UOCAVA* voter under State law. Your State may also allow people to request *UOCAVA* status using a State form or another mechanism. For most of Section B, use your State's definition of *UOCAVA* to answer the question. For the questions that specifically ask about the FPCA, only report data on those voters covered by *UOCAVA* who submitted an FPCA.

For some questions, your jurisdiction might not have collected data on a specific population, category, or ballot type. If your jurisdiction did *not* collect data on the item, enter "N/A" or mark the "Data not available" box. If your jurisdiction did collect data, but *zero* voters fell into this category, enter "0."

The Federal Voting Assistance Program (FVAP), the Council of State Governments' (CSG), Overseas Voting Initiative, and the Election Assistance Commission (EAC) have worked together to streamline Section B. As a result, several questions do not need to be answered as part of the 2016 EAVS. Please do *not* answer the following questions in Section B: **3a, 4a–4c, 5a–5c, 6a–6c, 7a–7c, 23, 28a–28e, 32a–32e, and 35.**

## Types of *UOCAVA* Voters

*UOCAVA* serves several populations of U.S. citizens. Below are the *UOCAVA* voter categories that are listed on the FPCA and how they correspond to the voter-type categories that are in this section of the survey:

Uniformed Services voters—domestic or foreign { ☐ I am a member of the Uniformed Services or Merchant Marine on active duty **OR**  
☐ I am an eligible spouse or dependent

Non-military/civilian overseas voter { ☐ I am a U.S. citizen residing outside of the United States, and I intend to return  
☐ I am a U.S. citizen residing outside of the United States, and my return is not certain  
☐ I am a U.S. citizen and have never resided in the United States

It is very important to remember that the spouse or dependent of a Uniformed Services member or member of the Merchant Marine is also considered a Uniformed Services voter under *UOCAVA*. **Military spouses should be categorized as Uniformed Services voters, *not* as civilian overseas voters or “Other.”**

## Types of *UOCAVA* Absentee Ballots

Section B asks about two types of absentee ballots:

Transmitted ballots: These ballots are ballots your office sent to voters, including ballots sent via postal mail, email, fax, or other modes.

Federal Write-in Absentee Ballots (FWAB): These ballots are ballots that originated from the *UOCAVA* voter who did not receive their requested absentee ballot in time. On the FWAB, the voter lists each office and either the candidate’s name or party for whom the voter is casting a vote.

## B1. UOCAVA Ballots Transmitted to Voters

- B1a.** Total transmitted: The total number of *UOCAVA* ballots sent to voters for the November 2016 general election. If the total number of *UOCAVA* ballots transmitted is zero, enter “0” for **B1a** and skip to **B19**.

Next, divide the total number of transmitted *UOCAVA* ballot that were reported in **B1a** into Uniformed Services and overseas civilian voters. Use items **B1d** and **B1e** for ballots transmitted to *UOCAVA* voters that cannot be classified as Uniformed Services or overseas civilians. The total number of transmitted ballots transmitted in categories **B1b** through **B1e** should sum to the total number of absentee ballots transmitted to *UOCAVA* voters as entered in **B1a**.

## B2. Return of Absentee Ballots Transmitted to UOCAVA Voters

These questions ask about the status of all of the absentee ballots transmitted in **B1a**. Separate the total number of absentee ballots transmitted to *UOCAVA* voters that was entered in **B1a**, into each of the categories shown below. The total number of *UOCAVA* ballots transmitted in categories **B2a** through **B2g** should sum to the total number entered in **B1a**.

- B2a.** Ballots returned and submitted for counting: All *UOCAVA* ballots returned by voters, regardless of whether or not the ballots were later counted or rejected. *UOCAVA* ballots returned as undeliverable should *not* be included in this number.
- B2b.** Ballots returned as undeliverable: All *UOCAVA* ballots that were returned by any postal mail service, or were bounced back from an attempt at email delivery, or were otherwise undeliverable by other transmission modes. We are interested in only those ballots that were returned as undeliverable and if the voters’ mailing address, email address, or fax number could not be updated successfully.
- B2c.** Spoiled ballots (also referred to as “voided” ballots): *UOCAVA* ballots that were incorrectly marked or impaired in some way. In such cases, a replacement ballot may be issued so that the voter can correctly mark the ballot. An absentee voter who surrenders his or her absentee ballot in a polling place in order to vote in person is considered to have spoiled his or her absentee ballot.
- B2d.** Status unknown: This category includes all transmitted *UOCAVA* ballots that were *not* returned by the voter, spoiled, returned as undeliverable, or otherwise tracked by your office.
- B2e.** Other ballot status: If your office uses other categories to track *UOCAVA* ballots, separate them into additional categories and provide a short label for each (items **B2e** through **B2g**).

Because Section B has been streamlined, do not answer questions 3a, 4a–4c, 5a–5c, 6a–6c, or 7a–7c.

## B8. Total *UOCAVA* Ballots Counted

Ballots counted: The number of *UOCAVA* ballots that were processed and the votes included in the canvas of election results. This includes ballots transmitted and FWABs.

## B9—B12. *UOCAVA* Ballots Counted by Type of Ballot

For these questions, categorize the total number of *UOCAVA* ballots counted that were in **B8a** by voter type (Uniformed Services or non-military overseas civilian). Use item **B9c** for ballots from *UOCAVA* voters who cannot be classified as Uniformed Services or overseas civilians. Items **B9a**, **B9b**, and **B9c** should sum to the total provided for **B8a**.

Next, divide the total number of *UOCAVA* ballots counted from each *UOCAVA*-voter type in **B9a** through **B9c** by ballot type:

**B10.** Absentee ballot: These are official State ballots transmitted to *UOCAVA* voters.

**B11.** FWAB: These ballots originated from the voter who did not receive their requested absentee ballot in time. On the FWAB, the voter lists each office and then either the candidate's name or party for whom the voter is casting a vote.

Use items **B12a** through **B12c** for ballots counted that cannot be classified as either absentee or FWAB.

Ballots counted by type should sum to the total number of ballots for each category of voter. For example, **B10a**, **B11a**, and **B12a** should sum to the number provided for **B9a**.

If your jurisdiction is unable to distinguish between *UOCAVA* absentee ballots counted and FWABs counted, then complete **B9a–c** and mark “Data not available” or enter “N/A” for **B10a–c** and **B11a–c**.

**Example 1:** In the example below, the jurisdiction counted 216 ballots from Uniformed Services voters, four ballots returned by non-military/civilian voters, and zero ballots from other types of voters for a total of 220 *UOCAVA* ballots counted. This jurisdiction is unable to specify whether these were absentee ballots or FWABs and, therefore, checked the “Data not available” box for these categories.

		Of the total <i>UOCAVA</i> ballots counted (as entered in B8a), how many were ballots of each of the following ballot types:					
B9. All <i>UOCAVA</i> ballots		B10. Absentee ballots		B11. FWAB		B12. Other type of ballot →	
Data not available		Data not available		Data not available		Data not available	
<b>Type of <i>UOCAVA</i> voter:</b>							
a. Uniformed services voters – domestic or foreign .....	216 <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
b. Non-military/civilian overseas voters .....	4 <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
c. Other type of voter → ..... comments: .....	0 <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
TOTAL .....	B8a						

If your jurisdiction knows how many *UOCAVA* absentee ballots and FWABs were counted but is unable to distinguish between the ballots counted that were submitted by military versus non-military/civilian *UOCAVA* voters, then enter the number of absentee ballots and FWABs counted by all *UOCAVA* voters in row c and use “Data not available” for rows a and b.



**Example 2:** In the example below, the jurisdiction had 50 UOCAVA ballots that were submitted for counting, 45 of which were absentee ballots, five of which were FWABs, and zero from other types of ballots. However, this jurisdiction is not able to determine how many of these absentee ballots or FWABs came from Uniformed Services voters or how many came from non-military/civilian voters and, thus, checked the “Data not available” box for these items.

		Of the total UOCAVA ballots counted (as entered in B8a), how many were ballots of each of the following ballot types:			
		B9. All UOCAVA ballots	B10. Absentee ballots	B11. FWAB	B12. Other type of ballot →
		Data not available	Data not available	Data not available	Data not available
<b>Type of UOCAVA voter:</b>					
a.	Uniformed services voters – domestic or foreign .....	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
b.	Non-military/civilian overseas voters .....	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
c.	Other type of voter → .....	<input type="text" value="50"/> <input type="checkbox"/>	<input type="text" value="45"/> <input type="checkbox"/>	<input type="text" value="5"/> <input type="checkbox"/>	<input type="text"/> <input type="checkbox"/>
	comments: .....				
	TOTAL .....	<b>B8a</b>			

### B13. Total Number of *UOCAVA* Ballots Rejected

Of all the *UOCAVA* ballots received, enter the total number of *UOCAVA* ballots that were rejected or not counted. This should include both transmitted ballots and FWABs that were received but rejected or not counted.

Rejected ballots: Ballots that were not counted because they did not meet the requirements of eligibility. This might include ballots rejected because they were not completed properly, were received after the deadline for counting, lacked a postmark, or because the individual was excluded from being able to vote in your jurisdiction.

If your jurisdiction uses a different definition of rejected ballot, you can explain it in the **B13 Comments** box.

### B14. Reasons Why *UOCAVA* Ballots Rejected

For these questions, separate the total number of ballots rejected as entered in **B13a** by the reason for rejection. The numbers entered in **B14a**, **B14b**, **B14c**, and **B14d—B14f** should sum to the number provided in **B13a**.

- B14a.** Ballot not received on time/missed deadline: Ballots that were not counted because they were received after the deadline for a ballot to be received for counting.
- B14b.** Problem with voter signature: Ballots that were not counted because of an issue relating to the voter signature, including but not limited to a missing signature or a returned ballot signature not matching the signature on file.
- B14c.** Ballot lacked a postmark: Ballots that were not counted because the ballot lacked the postmark required by your State or jurisdiction, despite being received before the deadline for being included for counting.

Use items **B14d** through **B14f** to record ballots rejected for reasons that do not fall into the categories given in **B14a** through **B14c**. Please include a short label to describe the reason these ballots were rejected. We expect that these categories will vary widely between States and between local jurisdictions.

## B15—B18. Ballots Rejected by UOCAVA Ballot Type

For these questions, separate the number of ballots rejected that was reported in **B13a** by type of voter (Uniformed Services or non-military overseas/civilian). The numbers entered in **B15a**, **B15b**, and **B15c** should sum to the number provided in **B13a**.

Next, separate these voters by type of ballot (i.e. absentee, FWAB, or other); for example, **B16a**, **B17a**, and **B18a** should sum to the number provided in **B15a**.

If you are unable to distinguish between rejected absentee ballots and FWABs, complete **B15a–B15c** and select “Data not available” or enter “N/A” for **B16a–B16c** and **B17a–B17c**.

**Example 1:** In the example below, the jurisdiction rejected six ballots from Uniformed Services voters, one ballot from non-military/civilian voters, and zero ballots from other types of voters, totaling seven UOCAVA ballots rejected. This jurisdiction is unable to specify whether these rejected ballots were absentee ballots or FWABs and, therefore, checked the “Data not available” box for these categories.

		Of the total UOCAVA ballots rejected (as entered in B13), how many were ballots of each of the following ballot types:							
		B15. All UOCAVA ballots		B16. Absentee ballots		B17. FWAB		B18. Other type of ballot →	
			Data not available		Data not available		Data not available		Data not available
			▼		▼		▼		▼
<b>Type of UOCAVA voter:</b>									
a. Uniformed services voters – domestic or foreign .....		6	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
b. Non-military/civilian overseas voters .....		1	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
c. Other type of voter → .....		0	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
comments .....									
TOTAL .....		B13a							

If you know how many absentee ballots and FWABs were rejected but are unable to distinguish between rejected ballots that were submitted by Uniformed Service voters or non-military/civilian voters, then enter the number of absentee ballots and FWABs rejected by all *UOCAVA* voters in **row c** and use “Data not available” for **rows a** and **b**.

**Example 2:** In the example below, the jurisdiction has six *UOCAVA* ballots that were rejected, five of which were absentee ballots, one was a FWAB, and there were zero other types of ballots. However, this jurisdiction is not able to distinguish whether or not these rejected ballots came from Uniformed Services voters or non-military/civilian voters and, thus, checked the “Data not available” box for these items.

		Of the total <i>UOCAVA</i> ballots rejected (as entered in B13), how many were ballots of each of the following ballot types:			
		B15. All <i>UOCAVA</i> ballots	B16. Absentee ballots	B17. FWAB	B18. Other type of ballot →
		Data not available	Data not available	Data not available	Data not available
<b>Type of <i>UOCAVA</i> voter:</b>					
a. Uniformed services voters – domestic or foreign .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Non-military/civilian overseas voters .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Other type of voter → .....	<input type="text" value="6"/>	<input type="text" value="5"/>	<input type="text" value="1"/>	<input type="text" value="0"/>	
comments .....					
TOTAL .....	<b>B13a</b>				

NOTE: **B19** through **B35** are derived from FVAP's Post-Election Voting Survey of Local Election Officials. In 2014, the EAC incorporated these questions for the States' reporting of *UOCAVA* voting information as required by 42 U.S.C. §1973ff-1. States that complete and timely submit this section to EAC will fulfill their *UOCAVA* reporting requirement under 42 U.S.C §1973ff-1(c).

## B19. Total Registered and Eligible *UOCAVA* Voters

These questions ask about the number of registered voters covered under *UOCAVA* for the 2016 general election.

States may differ in how they grant *UOCAVA* status to voters, so please apply the guidelines your State follows. For some States, this may be the total number of voters that registered and requested a ballot using an [FPCA](#) for the November 2016 general election. For other States, this number might also include voters that did not register using an FPCA but identified themselves as a *UOCAVA* voter at some point during the voting process, such as on a State voter registration form. In States where a person's FPCA remains valid across elections, without requiring a new FPCA or other notification to be provided, include all *UOCAVA* voters who returned an FPCA this year or who continued to have *UOCAVA* status from a previous request.

**B19a.** Total registered and eligible: Enter the total number of registered voters covered under *UOCAVA* for the November 2016 general election. Include [active](#) and [inactive](#) voters, special categories of voters with extended deadlines (e.g., returning military), and any persons who might have registered to vote on Election Day.

If the total number of registered and eligible voters who were covered by *UOCAVA* in the November 2016 general election is *zero*, enter "0" for **B19a** and please skip to **C1** in Section C.

Next, separate the number of registered and eligible voters that were reported in **B19a** by [Uniformed services](#) (**B19b**) and [non-military/civilian voters](#) (**B19c**). If you are unable to distinguish between different *UOCAVA* voter types, complete **B19a** and select "Data not available" or enter "N/A" for **B19b–B16e**.

Provide any comments about the nuances of how your jurisdiction categorizes registered *UOCAVA* voters in the **B19 Comments** box.

## B20. Federal Post Card Applications Received

This question asks about FPCAs, which are federal forms that States are required to process from voters covered by *UOCAVA*. For this question, focus on the total number of *UOCAVA*-registered voters provided in **B19** and identify how many used an FPCA to register and request an absentee ballot.

Include any ballot request for the November 2016 general election that originated from an FPCA, regardless of the year of submission. Only include FPCA requests; do not include absentee ballot requests that originated from a State absentee voter registration form or other source. Exclude FPCAs deemed incomplete by your office.

## B21. Federal Post Card Applications Rejected

Of the total number of [FPCAs](#) received that were reported in **B20a**, enter the number that were rejected or were not fully processed for the November 2016 general election. Rejected FPCAs should include any forms that did not meet full eligibility requirements for triggering the transmission of a blank ballot. Reasons might include missing information, lack of a signature, a missed deadline, or overall ineligibility.

## B22. Federal Post Card Applications Rejected Because Late

We are interested in knowing how many of the [FPCAs](#) rejected for the 2016 general election (as entered in **B21e**) were rejected because they were received after the deadline in terms of qualifying for a full ballot (as a temporary registration) or failing to meet the qualification deadline for receiving a ballot for the 2016 general election. Here, “deadline” refers to the last day a *UOCAVA* voter could request to receive an absentee ballot with an FPCA.

## B23. Because Section B has been streamlined, do not answer questions question 23 or 23 Comments.

## B24. Ballots Transmitted: Mail, Email, Other

We are interested in ways ballots are transmitted to *UOCAVA* voters. This question refers to the way ballots were sent to voters, not the way ballots were requested. Do not include FWABs or other ballots not transmitted from the election office to the voter.

For **B24**, only provide the *total* numbers of ballots [transmitted](#) by postal mail, email, and other. **Please do *not* divide these totals by ballots sent before or after the 45-day deadline.**

**B24a.** Postal mail: Of all *UOCAVA* ballots transmitted to voters as entered in **B1a**, enter the total number transmitted by postal mail, using USPS or any private courier shipping services (e.g., FedEx, UPS, DHL).

**B24b.** Email: Of all *UOCAVA* ballots transmitted to voters as entered in **B1a**, enter the total number transmitted via email attachment from your office to voters.

**B24c.** Other mode: Of all *UOCAVA* ballots transmitted to voters as entered in **B1a**, enter the total number transmitted by other methods such as fax, online systems, etc.

## **B25. Ballots Transmitted, Returned as Undeliverable**

We are interested in knowing how many of the absentee ballots [transmitted](#), as entered in **B24a**, **B24b**, and **B24c**, were returned as undeliverable. Please separate by transmission modes.

We are asking about the following items:

- B25a.** Postal mail undeliverable: Of all *UOCAVA* ballots transmitted to voters via postal mail (as entered in **B24a**), enter the total returned to your office as undeliverable. Here, undeliverable ballots would be ballots returned by any postal mail service. Only ballots designated by a postal mail service as undeliverable should be included in the numbers reported here.
- B25b** Email undeliverable: Of all *UOCAVA* ballots transmitted to voters via email (as entered in **B24b**), enter the total number of emails that were returned as undeliverable. Here, undeliverable ballots would be ballots sent via an email attachment that were bounced back or resulted in an undeliverable message and were never resolved.
- B25c** Other undeliverable: Of all *UOCAVA* ballots transmitted to voters via other methods (as entered in **B24c**), enter the total returned to your office as undeliverable.

## **B26. Transmitted Ballots Returned by Voters**

Of all *UOCAVA* ballots [transmitted](#) to voters as entered in **B1a**, enter the total number of ballots that were received by your office for the 2016 general election. Received ballots are ballots returned by the voter to the election office regardless of whether or not those ballots are ultimately [counted](#). Do not include FWABs in this number. You will enter data on FWABs starting with question **B31**.

## **B27. Transmitted Ballots Returned: Postal Mail, Email, Other**

We are interested in knowing how many of the absentee ballots were received by (a) postal mail, (b) email, or (c) other. This number should include only ballots [transmitted](#), not [FWABs](#). You will enter data on the number of FWABs received in **B31**.

For **B27**, only provide the *total* number of ballots your office received by postal mail, email, and other. **Please do *not* divide these totals by ballots sent before or after the 45-day deadline.**

We are asking about the following items:

- B27a.** Postal mail ballots received: Of all *UOCAVA* ballots received, as entered in **B26a**, enter the total number that were received by postal mail. This includes all ballots that your office received from a voter via the USPS or any private courier shipping services (e.g., FedEx, UPS, DHL).
- B27b.** Email ballots received: Of all *UOCAVA* ballots received, as entered in **B26a**, enter the total number that were received by email. This includes all ballots that you received via email attachment from a voter.
- B27c.** Other ballots received: Of all *UOCAVA* ballots received, as entered in **B26a**, enter the total number that were received through other methods. This includes ballots received through all other modes, such as, fax, online systems, etc.

**B28. Because Section B has been streamlined, do not answer questions 28a–28e or 28 Comments.**



## **B29. Transmitted Ballots Rejected, Returned Late: Postal Mail, Email, Other**

We are interested in knowing how many of the absentee ballots received from *UOCAVA* voters, as entered in **B27**, were rejected or not counted because they were received after the State's deadline for receiving ballots. This number should include only ballots [transmitted](#), not [FWABs](#). You will enter data on the number of FWABs rejected in **B33a**.

For **B29**, only provide the *total* number of ballots received by postal mail, email, and other methods after the State deadline. **Please do not divide these totals by ballots sent before or after the 45-day deadline.**

We are asking about the following items:

- B29a.** Postal mail ballots rejected because they were received after the deadline: Of all *UOCAVA* ballots rejected because they were not received on time, enter the total number that were received by postal mail.
- B29b** Email ballots rejected because they were received after the deadline: Of all *UOCAVA* ballots rejected because they were not received on time, enter the total number that were received by email.
- B29c** Other ballots rejected because they were received after the deadline: Of all *UOCAVA* ballots rejected because they were not received on time, enter the total number that were received by other methods.

Note: This question is similar to question **B14a**, with the following important differences: **B14a** asks for the number of ballots rejected ballots because they were late *including* FWABs, and **B29** asks for the number of rejected ballots because they were late *excluding* FWABs; **B29** asks for categorization by mode of transmission and **B14a** does not.

### **B30. Transmitted Ballots that were Counted: Postal Mail, Email, Other**

We are interested in knowing how many of the absentee ballots received from *UOCAVA* voters, as entered in **B27**, were counted. This number should include only ballots [transmitted](#), not [FWABs](#). You will enter data on the number of FWABs counted in **B35**.

For **B30**, only provide the *total* number of ballots received by postal mail, email, and other that were counted. **Please do *not* divide these totals by ballots sent before or after the 45-day deadline.**

We are asking about the following items:

**B29a.** [Postal mail ballots counted](#): Of all *UOCAVA* ballots counted, enter the total number that were received by postal mail.

**B29b** [Email ballots counted](#): Of all *UOCAVA* ballots counted, enter the total number that were received by email.

**B29c** [Other ballots counted](#): Of all *UOCAVA* ballots counted, enter the total number that were received by other methods.

Note: This question is similar to **B8** with the following important differences: **B8** *includes* FWABs, and **B30** *excludes* FWABs; **B30** asks for categorization by mode of transmission and **B8** does not.

### **B31. Federal Write-in Absentee Ballots Received**

We are interested in knowing how many FWABs were received from Uniformed Services voters (**B31a**) and civilian overseas voters (**B31b**).

**B32a–B32e. Because Section B has been streamlined, do not answer questions 32a–32e.**

### **B33. Federal Write-in Absentee Ballots Rejected, Returned Late**

Of the total number of [FWABs](#) received, as reported in question **B31**, enter the total number of FWABs that were [rejected](#) or not counted because they were received after the State's deadline for receiving and accepting FWABs.

### **B34. Federal Write-in Absentee Ballots Rejected Because Transmitted Ballot Counted**

Of the total number of [FWABs](#) received, as reported in question **B31**, report the number of FWABs that were rejected because the voter also returned an absentee ballot that you had transmitted to the voter.

Some voters will return their [transmitted](#) absentee ballot and also return a FWAB because they are not sure their transmitted ballot will arrive in time to be counted. This question asks you to report the number of FWABs that were rejected because you received and processed their transmitted ballot instead of the FWAB.

**B35a–B35e. Because Section B has been streamlined, do not answer questions 35a–35e.**

## **SECTION C: Domestic Civilian Absentee Ballots**

The questions in this section concern regular (not [UOCAVA](#)) absentee ballots.

Absentee ballot: These are absentee ballots that were transmitted to voters—by mail or electronically—regardless of how the ballots were returned (by mail, returned to a ballot drop off location, etc.). They do *not* refer to in-person absentee voting, which is included as part of the questions on early voting in Sections D and F.

Transmitted ballots: These are absentee ballots that your office sent to voters, including ballots sent via postal mail, email, fax, or other modes.

Returned submitted for counting: These are voted absentee ballots that were returned to your office by voters, regardless of whether the ballots were later counted or rejected.

## C1. Total Absentee Ballots Transmitted

These questions ask about the number of absentee ballots transmitted to voters and the outcome for each of those transmitted ballots.

- C1a.** Total domestic absentee ballots transmitted: This number should include all absentee ballots transmitted to a non-UOCAVA voter before Election Day, including spoiled or replaced ballots. It does not matter how the absentee ballot was returned (via mail, dropped off at a polling place, or other designated method). By this definition, all ballots transmitted to voters in vote-by-mail jurisdictions that have eliminated traditional polling places in favor of mailing ballots to voters in advance of the election should be included in this total, as should all ballots sent to permanent absentee voters.

Next, divide the total number of ballots transmitted (reported in **C1a**) into the following outcome categories:

- C1b.** Returned by voters and submitted for counting: Enter the total number of voted absentee ballots returned by voters, regardless of whether the ballots were later counted or rejected.
- C1c.** Returned as undeliverable: Enter the total number of transmitted ballots returned to your office as undeliverable. Here, undeliverable ballots would be ballots returned by the U.S. Postal Service.
- C1d.** Spoiled or replaced ballots (also referred to as “voided” ballots): Ballots that were incorrectly marked or impaired in some way. In such cases, a replacement ballot may be issued so that the voter can correctly mark the ballot. An absentee voter who surrenders his or her absentee ballot in a polling place in order to vote in person is considered to have spoiled his or her absentee ballot.
- C1e.** Status unknown. This category would include all transmitted absentee ballots that were *not* returned by voter, spoiled, returned as undeliverable, or otherwise unable to be tracked by your office.
- C1f.** Other—Absentee voters who vote in-person with a provisional ballot: In States with no-excuse absentee voting, some absentee voters will decide to vote in person on Election Day. If the absentee voter surrenders his or her absentee ballot at the polls and is allowed to vote in person using the regular voting process, the absentee ballot is considered spoiled and should be included in **C1d**. However, some absentee voters will not bring their ballot to the polls on Election Day and must vote with a provisional ballot. Please record these voters in **C1f**. If your State categorizes these voters as having spoiled their absentee ballots, please note this in the **C1 Comments** box.

## C2. Permanent Absentee Voting Definition

This question asks if voters in your State can request to be a permanent absentee voter. For example, in some States, if a voter is permanently ill or disabled, he or she can file an application with their board of elections indicating permanent illness or physical disability and receive absentee ballots for all subsequent elections without filing any additional absentee ballot applications. If your State allows *any* voters to request a permanent absentee ballot status, you should answer “yes” to this question.

Use the **C2 Comments** box to explain who in your State is eligible to be a permanent absentee voter. In some States, only specific classes of voters, such as individuals with disabilities, can apply to be a permanent absentee voter. In other States, any voter can apply to be a permanent absentee voter. In States with all vote-by-mail elections, all voters are permanent absentee voters.

## C3. Ballots Sent to Permanent Absentee Voters

Enter the total number of absentee ballots transmitted to individuals in your jurisdiction who have permanent absentee voting status for any reason. If your State does not allow any voters to have permanent absentee voting status, skip **C3** and move to question **C4**.

## C4. Total Absentee Ballots Returned

Of the total number of ballots returned and submitted for counting, as reported in **C1b**, how many were:

- C4a.** Counted: Ballots that were processed and the votes were included in the canvas of election results.
- C4b.** Rejected: Ballots that were not counted because they did not meet the requirements of eligibility. This might include ballots that were rejected because they were not completed properly, were received after the deadline for counting, lacked a postmark, or because the individual was excluded from being able to vote in your jurisdiction.

## C5. Number of Absentee Ballots Rejected, by Reason Rejected

For these questions, categorize each ballot rejected (as entered in **C4b**) by the reason for rejection. Use options **C5o** through **C5v** for any ballots that cannot be placed in the categories given in **C5a** through **C5n**. The numbers entered in **C5a** through **C5v** should sum to the total number of ballots rejected reported in **C4b**.

## SECTION D: Election Administration

The questions in this section cover topics of interest in election administration. We recognize that not all jurisdictions will track these data, but if the data are available, it is important that you report it as accurately as possible.

### D1. Total Number of Precincts

For this question, you should enter the total number of precincts in your voting jurisdiction. Precincts are *not* polling places, but bounded areas. Put together, your precincts should cover your entire jurisdiction, without overlap and without leaving out any parts of your jurisdiction.

Precinct: A precinct is the geographic area to which voters are assigned. It is an administrative division of a county or municipality to which a voter has been assigned by their residence address for voting in an election. Your jurisdiction may use the terms “ward” or “voting district” to describe voting precincts.

### D2. Total Number of Physical Polling Places (Election Day and Early Voting)

This question asks about all physical voting locations used in your jurisdiction for in-person voting. In general, every jurisdiction—even in vote-by-mail States—has at least one physical polling place in order to serve individuals with disabilities and others who had reason to cast a ballot in person.

**D2a.** Total number of physical polling places: For this question, enter the total number of unique polling places at which people could vote in your jurisdiction. A polling place is a physical location where voters can cast their ballots. A polling place used during early voting and on Election Day should only be counted once in this total. Polling places can serve more than one precinct.

Sometimes it can be difficult to tell whether locations are separate polling places. For example, if a jurisdiction has one precinct vote in the gym of a high school and another precinct vote in the cafeteria of the same high school, they would be considered *separate* polling places if the locations were administered separately and are physically separated, even if they shared a single building.

For questions **D2b** through **D2d**, please separate Election Day polling locations into two categories: physical polling places that are not a part of the election office (**D2b**) and polling places that are a part of the election office (**D2c**).

Questions **D2e** through **D2g** ask about early voting polling locations.

Early voting: A ballot cast in person by a voter at a designated polling site before Election Day. If your State allows individuals to cast an in-person absentee ballot, these ballots are counted as early voting for these questions.

Separate any early voting polling locations into two categories: physical polling places that are not a part of the election office (**D2e**) and polling places that are a part of the election office (**D2f**). Note that the numbers reported in **D2b** through **D2g** might not add up to **D2a** because many polling places served as both early voting and Election Day voting locations.

### **D3. Total Number of Poll Workers**

This question asks about the number of temporary election workers your jurisdiction employed on Election Day or before Election Day in the case of early voting. Do not include regular staff or temporary workers added to help with office duties. If these workers worked more than one shift (e.g., during early voting and on Election Day), count the individual only one time; we are asking about the number of workers, not the number of shifts that were staffed.

### **D4. Age of Poll Workers**

There is very little information available on the demographics of American poll workers. If your jurisdiction has any data on the age of the poll workers employed in the November 2016 general election, please report the age breakdown here.

### **D5. Assessment of Ease of Recruiting Poll Workers**

We recognize this question calls for a subjective appraisal on your part. Please carefully consider the process by which your jurisdiction recruited poll workers for the November 2016 general election, and give us your characterization.



## SECTION E: Provisional Ballots

This section's questions ask about provisional voting, as defined by the *Help America Vote Act* (HAVA) of 2002:

Provisional voter: An individual who declares that he or she is a registered voter in the jurisdiction where they desire to vote and is eligible to vote in an election for federal office, but (1) their name does not appear on the official list of eligible voters for the polling place, or (2) an election official asserts that the individual is not eligible to vote.

Provisional ballot: A ballot used to record a vote when there is some question regarding the eligibility of the voter. Once voted, provisional ballots are kept separate from other ballots and are not tabulated until the eligibility of the voter is confirmed.

### E1. Total Provisional Ballots Submitted and Adjudication

**E1a.** Total submitted: The number of voters who submitted provisional ballots, regardless of whether or not the provisional ballot was ultimately counted in part or full. States that are exempt from the provisional ballot requirements of HAVA and do not offer provisional ballots should enter "N/A" or check the "Data not available" box.

Next, divide the total number of provisional ballots reported in **E1a** into those that were counted in full (**E1b**), partially counted (**E1c**), and rejected (**E1d**). Use items **E1e** and **E1f** for provisional ballots that cannot be placed in the categories given in **E1b** through **E1d**.

### E2. Reasons Provisional Ballots Rejected

For these questions, categorize each ballot that was rejected (as reported in **E1d**) by the reason for rejection. If a provisional ballot was rejected for multiple reasons, please provide the primary reason why the provisional ballot was rejected so that reasons for rejection (**E2a** through **E2p**) equal **E1d**. If provisional ballots were classified into more than one reason for rejection, please indicate the number of ballots that were classified into two categories in **E2 Comments**. Use items **E2j** through **E2p** for rejected provisional ballots that cannot be placed in any of the categories given in **E2j** through **E2p**.

## SECTION F: Election Day Activities

### F1. Total Participation in Election

This question asks for the total number of *people* who participated in the election. Participation is often referred to as overall turnout.

- F1a.** Total participation: This includes any individual who attempted to vote in the election, including provisional voters who had their ballot rejected and absentee voters who submitted ballots that were ultimately rejected. Please use the **F1 Comments** box to explain your response.

Next, separate the total participation number entered in **F1a** into the number of people who voted by various methods:

- F1b.** Polling-place voters: This category includes all individuals who cast a ballot at a physical location on Election Day.
- F1c.** UOCAVA voters: This category includes all individuals who submitted a transmitted UOCAVA ballot or FWAB (as reported in **B3a**), regardless of whether their ballots were ultimately counted or rejected.
- F1d.** Domestic absentee ballot: This category includes all individuals who returned an absentee ballot (as reported in **C1b**), regardless of whether their ballots were ultimately counted or rejected.
- F1e.** Provisional ballots: This category includes all individuals who cast a provisional ballot (as reported in **E1a**), regardless of whether their ballots were ultimately counted or rejected.
- F1f.** Early vote center: This category includes all individuals who cast a ballot at a physical location before Election Day, regardless of whether their ballots were ultimately counted or rejected.
- F1g.** Vote-by-mail jurisdiction: This includes all individuals who cast a ballot in a vote-by-mail jurisdiction (jurisdictions that have eliminated traditional polling places in favor of mailing ballots to voters in advance of the election), regardless of whether the ballots were ultimately counted or rejected.

### F2. Source of Total Participation Number

For this question, identify the source used to calculate the responses reported in **F1**. Select only *one* source from the list.

### **F3. First-Time Voters Who Provided ID at the Polls**

For this question, select or enter “Not applicable” if your jurisdiction has a computerized voter registration list that complies with HAVA Section 303 and, therefore, does not need to request ID of new registrants who registered by mail.

### **F4. Use of Electronic Poll Books**

For this question, indicate whether your jurisdiction used electronic poll books or lists in polling places in any of the ways listed in items **a** through **e** in the November 2016 general election. Vote-by-mail jurisdictions and jurisdictions that *only* used paper voter registration lists in the polling place should answer “No” to all items.

Electronic poll book (e-poll book): A type of hardware, software, or a combination of both, that is used in the place of a traditional paper poll book. These are *not* voting machines or used in the process of voting.

### **F5. Use of Printed Poll Books**

Vote-by-mail jurisdictions and jurisdictions that *only* used electronic poll books should answer “No” to question **F5** and skip to question **F7**.

### **F6. Who Prints Poll Books—State or Local Jurisdiction?**

If your jurisdiction did not use printed poll books, and you answered “No” to **F5**, skip this question.

## F7. Voting Equipment Used

Responding to this question might take considerable time for some jurisdictions, and we appreciate your attention to this question. Providing the best data will give the EAC the most complete picture possible of the voting technology your voters used to cast their ballots.

Note that **F7a** applies to those voting machines *without* a voter-verifiable paper audit trail, and **F7b** applies to those voting machines *with* a voter-verifiable paper audit trail.

- F7a.** Direct recording electronic (DRE) voting machines without a voter-verified paper audit trail: A voting system (push-button or touch screen) that records votes by means of a ballot display provided with mechanical or electro-optical components activated by the voter, where voting data are stored in a removable memory component. DRE is also referred to as an “electronic” voting system.
- F7b.** Direct recording electronic (DRE) voting machines with a voter-verified paper audit trail: A voting system (push-button or touch screen) that records votes by means of a ballot display provided with mechanical or electro-optical components activated by the voter, where voting data are stored *both* in a removable memory component *and* on a paper document that the voter can review before officially casting his or her ballot.
- F7c.** Electronic vote selection—printed and optically scanned ballot: A vote selection system (push-button or touch screen) in which the voter selects candidate choices by means of a ballot display provided with mechanical or electro-optical components activated by the voter, but *no voting data is stored in the system*. Instead, a paper ballot is printed that contains marks in voting response fields that are read by an optical scanner or similar sensor.
- F7d.** Optical scan: A system of recording votes by marks in voting response fields on ballot cards that are read by an optical scanner or similar sensor. These are also referred to as “mark-sense” voting systems.
- F7e.** Punch cards: A system of voting by punching holes in a card with a supplied punch device to indicate candidate or ballot issue choice. The ballots are counted using a computer punch card reader.
- F7f.** Lever machine: A system where each candidate or ballot issue choice is assigned a particular lever in a rectangular array of levers on the front of the machine. The voter pulls down selected levers to indicate choices. Vote totals are kept on a counter wheel within the machine.
- F7g.** Hand-counted paper ballots: A system where voters mark a paper ballot by hand and then *each* race on *each* ballot is counted by hand, without the use of a scanner, tabulator, or sensor.

## **F8. General Comments**

The EAC wants to hear from you! Please use this question to share Election Day experiences not covered by the previous questions. Of particular interest are any problems you faced with voting technology: machine failures, lost votes, or ballot confusion. Conversely, please let us know of any worthy successes or challenges overcome. Use as much space as you need.

# EXHIBIT 16

State	JurisdictionName	A10a Total Notices Sent	A10b Total Notices		A10c Total		A10d Total		A10e Total	
			Received Back Confirming Registration	Percent of Total Notices	Notices Received Back Registration Invalid	Percent of Total Notices	Undeliverable Notices	Percent of Total Notices	Notices Not Received Back	Percent of Total Notices
	Statewide Total	1620882	186530	11.51%	25773	1.59%	206128	12.72%	1023365	63.14%
TX	ANDREWS COUNTY	0	0		0		0		0	
TX	ANGELINA COUNTY	10664	8657		0.00		2007		0.00	
TX	ARANSAS COUNTY	1370	432		20		0.00		0.00	
TX	ARCHER COUNTY	403	95		43		265		0.00	
TX	ARMSTRONG COUNTY	96	5		0.00		0.00		0.00	
TX	ATASCOSA COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	AUSTIN COUNTY	1224	1089		47		0.00		0.00	
TX	BAILEY COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	BANDERA COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	BASTROP COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	BAYLOR COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	BEE COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	BELL COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	BEXAR COUNTY	124074	16031		319		24470		83254	
TX	BLANCO COUNTY	612	117		67		0.00		428	
TX	BORDEN COUNTY	83	0.00		30		3		50	
TX	BOSQUE COUNTY	1128	252		74		0.00		0.00	
TX	BOWIE COUNTY	5941	0.00		200		0.00		0.00	
TX	BRAZORIA COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	BRAZOS COUNTY	12772	4933		58		2416		5365	
TX	BREWSTER COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	BRISCOE COUNTY	119	22		0.00		9		18	
TX	BROOKS COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	BROWN COUNTY	2280	767		56		0.00		0.00	
TX	BURLESON COUNTY	658	157		18		0.00		461	
TX	BURNET COUNTY	0.00	0.00		0.00		0.00		0.00	
TX	CALDWELL COUNTY	46	25		1		0.00		0.00	

TX	CALHOUN COUNTY	0.00	0.00	0.00	0.00	0.00
TX	CALLAHAN COUNTY	754	0.00	0.00	0.00	0.00
TX	CAMERON COUNTY	13433	1115	23	12295	0.00
TX	CAMP COUNTY	1067	326	78	450	0.00
TX	CARSON COUNTY	0.00	0.00	0.00	0.00	0.00
TX	CASS COUNTY	1654	1337	94	0.00	223
TX	CASTRO COUNTY	0.00	0.00	0.00	0.00	0.00
TX	CHAMBERS COUNTY	3949	3858	91	0.00	0.00
TX	CHEROKEE COUNTY	0.00	0.00	0.00	0.00	0.00
TX	CHILDRESS COUNTY	560	294	0.00	52	0.00
TX	CLAY COUNTY	0.00	0.00	0.00	0.00	0.00
TX	COCHRAN COUNTY	0.00	0.00	0.00	0.00	0.00
TX	COKE COUNTY	0.00	0.00	0.00	0.00	0.00
TX	COLEMAN COUNTY	532	184	40	308	0
TX	COLLIN COUNTY	69813	0.00	0.00	7623	62098
TX	COLLINGSWORTH	0.00	0.00	0.00	0.00	0.00
TX	COLORADO COUNTY	959	191	16	0.00	0.00
TX	COMAL COUNTY	10758	2525	370	0.00	0.00
TX	COMANCHE COUNTY	12	1	0.00	10	1
TX	CONCHO COUNTY	5	5	0	0	0
TX	COOKE COUNTY	4898	679	169	0.00	0.00
TX	CORYELL COUNTY	5359	2967	89	1984	319
TX	COTTLE COUNTY	27	1	3	6	17
TX	CRANE COUNTY	410	251	111	41	7
TX	CROCKETT COUNTY	43	5	5	29	4
TX	CROSBY COUNTY	0.00	0.00	0.00	0.00	0.00
TX	CULBERSON COUNTY	0.00	10	0.00	0.00	0.00
TX	DALLAM COUNTY	378	170	33	175	0.00
TX	DALLAS COUNTY	238136	13	0.00	48794	189302
TX	DAWSON COUNTY	0.00	0.00	0.00	0.00	0.00
TX	DEAF SMITH COUNTY	0.00	0.00	0.00	0.00	0.00
TX	DELTA COUNTY	0.00	0.00	0.00	0.00	0.00
TX	DENTON COUNTY	62191	545	7916	200	53523
TX	DEWITT COUNTY	1013	641	0.00	372	0.00



TX	DICKENS COUNTY	0.00	0.00	0.00	0.00	0.00
TX	DIMMIT COUNTY	0.00	0.00	0.00	0.00	0.00
TX	DONLEY COUNTY	161	24	6	0.00	131
TX	DUVAL COUNTY	552	8	0	0	0
TX	EASTLAND COUNTY	1147	662	81	404	0.00
TX	ECTOR COUNTY	0.00	0.00	0.00	0.00	0.00
TX	EDWARDS COUNTY	80	39	0.00	0.00	0.00
TX	ELLIS COUNTY	9486	0.00	0.00	0.00	0.00
TX	EL PASO COUNTY	29830	3603	0.00	0.00	0.00
TX	ERATH COUNTY	2321	0.00	0.00	1351	0.00
TX	FALLS COUNTY	0.00	0.00	0.00	0.00	0.00
TX	FANNIN COUNTY	242	0.00	0.00	0.00	0.00
TX	FAYETTE COUNTY	871	0.00	0.00	0.00	0.00
TX	FISHER COUNTY	199	21	89	32	57
TX	FLOYD COUNTY	0.00	0.00	0.00	0.00	0.00
TX	FOARD COUNTY	211	86	0.00	0.00	119
TX	FORT BEND COUNTY	35547	0.00	0.00	8762	0.00
TX	FRANKLIN COUNTY	726	266	18	442	0.00
TX	FREESTONE COUNTY	1033	862	19	0.00	152
TX	FRIO COUNTY	2046	1827	0.00	275	0.00
TX	GAINES COUNTY	0.00	0.00	0.00	0.00	0.00
TX	GALVESTON COUNTY	38235	13567	274	6308	18086
TX	GARZA COUNTY	371	176	0.00	39	156
TX	GILLESPIE COUNTY	1253	635	0	618	0.00
TX	GLASSCOCK COUNTY	52	27	0.00	10	15
TX	GOLIAD COUNTY	0.00	0.00	0.00	0.00	0.00
TX	GONZALES COUNTY	1022	854	2	0	166
TX	GRAY COUNTY	1229	0.00	0.00	0.00	0.00
TX	GRAYSON COUNTY	7365	2234	493	0.00	4638
TX	GREGG COUNTY	9054	1122	0.00	1555	5806
TX	GRIMES COUNTY	723	507	0	144	0
TX	GUADALUPE COUNTY	10271	1056	789	1591	6800
TX	HALE COUNTY	0.00	0.00	0.00	0.00	0.00
TX	HALL COUNTY	0.00	0.00	0.00	0.00	0.00

TX	HAMILTON COUNTY	0	0	0	0	0
TX	HANSFORD COUNTY	334	173	20	52	89
TX	HARDEMAN COUNTY	8	2	0	2	2
TX	HARDIN COUNTY	0.00	0.00	0.00	0.00	0.00
TX	HARRIS COUNTY	274237	37681	0.00	9307	227249
TX	HARRISON COUNTY	7256	1191	2978	0.00	3087
TX	HARTLEY COUNTY	359	56	59	244	0.00
TX	HASKELL COUNTY	624	613	11	0.00	0.00
TX	HAYS COUNTY	180927	0.00	0.00	10708	164588
TX	HEMPHILL COUNTY	0.00	0.00	0.00	0.00	0.00
TX	HENDERSON COUNTY	1	0.00	0.00	0.00	1
TX	HIDALGO COUNTY	23846	1538	12	3441	18855
TX	HILL COUNTY	0.00	0.00	0.00	0.00	0.00
TX	HOCKLEY COUNTY	1244	753	66	60	365
TX	HOOD COUNTY	3179	1009	0.00	0	0.00
TX	HOPKINS COUNTY	0.00	0.00	0.00	0.00	0.00
TX	HOUSTON COUNTY	0.00	0.00	0.00	0.00	0.00
TX	HOWARD COUNTY	3157	1193	0.00	1964	0.00
TX	HUDSPETH COUNTY	0.00	0.00	0.00	0.00	0.00
TX	HUNT COUNTY	4936	4312	135	0.00	0.00
TX	HUTCHINSON COUNTY	0.00	0.00	0.00	0.00	0.00
TX	IRION COUNTY	0.00	0.00	0.00	0.00	0.00
TX	JACK COUNTY	424	116	0.00	0.00	308
TX	JACKSON COUNTY	0.00	0.00	0.00	0.00	0.00
TX	JASPER COUNTY	0.00	0.00	0.00	0.00	0.00
TX	JEFF DAVIS COUNTY	0.00	0.00	0.00	0.00	0.00
TX	JEFFERSON COUNTY	12796	452	251	0.00	0.00
TX	JIM HOGG COUNTY	297	118	0.00	179	0.00
TX	JIM WELLS COUNTY	1896	517	79	0.00	0.00
TX	JOHNSON COUNTY	8185	2991	85	0.00	0.00
TX	JONES COUNTY	872	593	56	223	0.00
TX	KARNES COUNTY	0.00	0.00	0.00	0.00	0.00
TX	KAUFMAN COUNTY	6848	0.00	0.00	1074	5695
TX	KENDALL COUNTY	0.00	0.00	0.00	0.00	0.00

TX	KENEDY COUNTY	36	0.00	0.00	0.00	0.00
TX	KENT COUNTY	44	7	3	0	0.00
TX	KERR COUNTY	3442	0.00	0.00	0.00	0.00
TX	KIMBLE COUNTY	0.00	0.00	0.00	0.00	0.00
TX	KING COUNTY	0.00	0.00	0.00	0.00	0.00
TX	KINNEY COUNTY	0.00	0.00	0.00	0.00	0.00
TX	KLEBERG COUNTY	1329	414	25	890	0.00
TX	KNOX COUNTY	0.00	0.00	0.00	0.00	0.00
TX	LAMAR COUNTY	2901	1634	75	0.00	0.00
TX	LAMB COUNTY	0.00	0.00	0.00	0.00	0.00
TX	LAMPASAS COUNTY	0.00	0.00	0.00	0.00	0.00
TX	LA SALLE COUNTY	0.00	0.00	0.00	0.00	0.00
TX	LAVACA COUNTY	913	211	33	0.00	0.00
TX	LEE COUNTY	628	183	37	0.00	0.00
TX	LEON COUNTY	715	367	25	323	0.00
TX	LIBERTY COUNTY	3633	1172	68	0.00	54
TX	LIMESTONE COUNTY	1315	380	0.00	0.00	0.00
TX	LIPSCOMB COUNTY	141	54	0.00	0.00	0.00
TX	LIVE OAK COUNTY	501	154	5	0.00	399
TX	LLANO COUNTY	1348	323	45	0.00	0.00
TX	LOVING COUNTY	13	0.00	0.00	0.00	13
TX	LUBBOCK COUNTY	0.00	0.00	0.00	0.00	0.00
TX	LYNN COUNTY	0.00	0.00	0.00	0.00	0.00
TX	MCCULLOCH COUNTY	465	319	24	148	0.00
TX	MCLENNAN COUNTY	14308	2300	414	2282	9085
TX	MCMULLEN COUNTY	21	11	5	4	1
TX	MADISON COUNTY	0.00	0.00	0.00	0.00	0.00
TX	MARION COUNTY	713	196	19	0.00	498
TX	MARTIN COUNTY	466	246	11	154	53
TX	MASON COUNTY	154	34	16	104	0.00
TX	MATAGORDA COUNTY	4027	1286	4	2088	0.00
TX	MAVERICK COUNTY	0.00	0.00	0.00	0.00	0.00
TX	MEDINA COUNTY	0.00	0.00	0.00	0.00	0.00
TX	MENARD COUNTY	105	50	0	0	55

TX	MIDLAND COUNTY	10025	3	1	1944	8065
TX	MILAM COUNTY	0.00	0.00	0.00	0.00	0.00
TX	MILLS COUNTY	158	65	0	93	0
TX	MITCHELL COUNTY	0.00	0.00	0.00	0.00	0.00
TX	MONTAGUE COUNTY	0.00	0.00	0.00	0.00	0.00
TX	MONTGOMERY	16628	0.00	0.00	0.00	0.00
TX	MOORE COUNTY	810	861	0.00	0.00	0.00
TX	MORRIS COUNTY	693	224	185	0.00	284
TX	MOTLEY COUNTY	0.00	0.00	0.00	0.00	0.00
TX	NACOGDOCHES	1536	1051	211	0	274
TX	NAVARRO COUNTY	0.00	807	0.00	0.00	0.00
TX	NEWTON COUNTY	0.00	0.00	0.00	0.00	0.00
TX	NOLAN COUNTY	0.00	0.00	0.00	0.00	0.00
TX	NUECES COUNTY	0.00	0.00	0.00	0.00	0.00
TX	OCHILTREE COUNTY	0.00	0.00	0.00	0.00	0.00
TX	OLDHAM COUNTY	174	42	21	0.00	111
TX	ORANGE COUNTY	0.00	0.00	0.00	0.00	0.00
TX	PALO PINTO COUNTY	174	168	6	0.00	0.00
TX	PANOLA COUNTY	0.00	0.00	0.00	0.00	0.00
TX	PARKER COUNTY	0.00	0.00	0.00	0.00	0.00
TX	PARMER COUNTY	200	0.00	0.00	0.00	0.00
TX	PECOS COUNTY	270	208	62	0.00	0.00
TX	POLK COUNTY	0.00	0.00	0.00	0.00	0.00
TX	POTTER COUNTY	0.00	0.00	0.00	0.00	0.00
TX	PRESIDIO COUNTY	768	0.00	0.00	68	700
TX	RAINS COUNTY	623	129	18	0	476
TX	RANDALL COUNTY	8726	2638	0.00	0.00	0.00
TX	REAGAN COUNTY	152	36	6	0.00	0.00
TX	REAL COUNTY	0.00	0.00	0.00	0.00	0.00
TX	RED RIVER COUNTY	125	0.00	0.00	0.00	0.00
TX	REEVES COUNTY	50	50	0.00	0.00	0.00
TX	REFUGIO COUNTY	474	97	18	0.00	0.00
TX	ROBERTS COUNTY	38	1	14	3	20
TX	ROBERTSON COUNTY	1018	276	14	0.00	0.00

TX	ROCKWALL COUNTY	0.00	0.00	0.00	0.00	0.00
TX	RUNNELS COUNTY	783	129	0.00	0.00	654
TX	RUSK COUNTY	534	429	0.00	0.00	0.00
TX	SABINE COUNTY	530	106	27	0.00	0.00
TX	SAN AUGUSTINE	416	166	18	0.00	250
TX	SAN JACINTO COUNTY	1979	222	22	0.00	0.00
TX	SAN PATRICIO	0.00	0.00	0.00	0.00	0.00
TX	SAN SABA COUNTY	0.00	0.00	0.00	0.00	0.00
TX	SCHLEICHER COUNTY	211	11	1	0.00	199
TX	SCURRY COUNTY	936	594	0	274	68
TX	SHACKELFORD	0.00	0.00	0.00	0.00	0.00
TX	SHELBY COUNTY	0.00	0.00	0.00	0.00	0.00
TX	SHERMAN COUNTY	135	90	8	37	0
TX	SMITH COUNTY	16671	0.00	0.00	5952	10719
TX	SOMERVELL COUNTY	0.00	0.00	0.00	0.00	0.00
TX	STARR COUNTY	0.00	0.00	0.00	0.00	0.00
TX	STEPHENS COUNTY	545	149	39	151	206
TX	STERLING COUNTY	0.00	0.00	0.00	0.00	0.00
TX	STONEWALL COUNTY	13	13	0.00	0.00	0.00
TX	SUTTON COUNTY	0.00	0.00	0.00	0.00	0.00
TX	SWISHER COUNTY	0.00	0.00	0.00	0.00	0.00
TX	TARRANT COUNTY	133602	18968	4084	33795	76755
TX	TAYLOR COUNTY	11255	1632	188	2386	7049
TX	TERRELL COUNTY	54	5	0.00	0.00	0.00
TX	TERRY COUNTY	692	173	11	0.00	508
TX	THROCKMORTON	0.00	0.00	0.00	0.00	0.00
TX	TITUS COUNTY	0.00	0.00	0.00	0.00	0.00
TX	TOM GREEN COUNTY	14434	1156	440	1878	10940
TX	TRAVIS COUNTY	18985	0.00	0.00	0.00	0.00
TX	TRINITY COUNTY	0.00	0.00	0.00	0.00	0.00
TX	TYLER COUNTY	837	83	98	656	0.00
TX	UPSHUR COUNTY	2093	650	116	839	488
TX	UPTON COUNTY	140	30	10	40	60
TX	UVALDE COUNTY	1206	450	6	0.00	750

TX	VAL VERDE COUNTY	3206	774	155	0.00	2277
TX	VAN ZANDT COUNTY	2330	1528	762	35	5
TX	VICTORIA COUNTY	0.00	0.00	0.00	0.00	0.00
TX	WALKER COUNTY	6881	1015	140	0.00	3351
TX	WALLER COUNTY	2778	0.00	0.00	21	2756
TX	WARD COUNTY	623	592	31	0.00	0.00
TX	WASHINGTON	7266	6699	567	0.00	0.00
TX	WEBB COUNTY	7838	0.00	0.00	281	7551
TX	WHARTON COUNTY	1646	637	7	0.00	1002
TX	WHEELER COUNTY	0.00	0.00	0.00	0.00	0.00
TX	WICHITA COUNTY	0.00	0.00	0.00	0.00	0.00
TX	WILBARGER COUNTY	0.00	0.00	0.00	0.00	0.00
TX	WILLACY COUNTY	0.00	0.00	0.00	0.00	0.00
TX	WILLIAMSON COUNTY	34305	4459	2176	1388	26254
TX	WILSON COUNTY	0.00	0.00	0.00	0.00	0.00
TX	WINKLER COUNTY	0.00	0.00	0.00	0.00	0.00
TX	WISE COUNTY	3362	941	0	0.00	0.00
TX	WOOD COUNTY	1595	187	0.00	0.00	0.00
TX	YOAKUM COUNTY	267	61	8	0.00	0.00
TX	YOUNG COUNTY	0.00	0.00	0.00	0.00	0.00
TX	ZAPATA COUNTY	0.00	0.00	0.00	0.00	0.00
TX	ZAVALA COUNTY	0.00	0.00	0.00	0.00	0.00

# EXHIBIT 17

## **Exhibit 1**



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF FLORIDA; KEN DETZNER,  
Secretary of State, in his official capacity.

Defendants.

CIVIL NO.

**DECLARATION OF ION V. SANCHO**

I, Ion V. Sancho, hereby declare as follows:

1. I am a U.S. citizen, a resident of Florida for 42 years, and a registered voter. I am registered to vote without a party affiliation.

2. I am the elected Supervisor of Elections for Leon County and have served in this position for over 23 years. Leon County includes the City of Tallahassee, Florida's capital city. As Supervisor of Elections, my duties include: administering county, state, and federal elections; registering voters; providing for absentee and early voting; and upholding and administering state election laws. I was initially elected in 1988 and have been re-elected to five four-year terms. I have served with five Governors and eight Secretaries of State.

3. In keeping with my duties as the Leon County Supervisor of Elections, I am an advocate for measures that protect the right to vote and increase participation among eligible voters. I also serve on the Board of Directors of the Florida State Association of Supervisors of Elections ("FSASE").

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4. My position and years of experience as a Supervisor of Elections place me in a unique position to (1) describe the events leading up to the State of Florida's recently implemented procedures for purging voter registration rolls; (2) explain these new purge procedures, which are based on State-generated lists with the names of currently registered voters who are alleged non-citizens; and (3) discuss the specific actions that I and other Supervisors of Elections took in response to learning about the implementation of these new voter purge procedures.

5. Before I had received any official information from the Florida Division of Elections or any State-generated list of allegedly ineligible voters, I saw a news story that indicated that the State was in possession of a list of allegedly ineligible non-citizen registered voters, which was purportedly generated from matching a Department of Highway Safety and Motor Vehicles ("DHSMV") database with the voter registration records contained in the Florida Voting Registration System ("FVRS"). Based on that news report, I understood that the State had initially identified approximately 180,000 potentially ineligible non-citizen registered voters, but I am not aware of any supervisor of elections who has seen that purported list. The State has distributed a list of approximately 2,700 voters to counties across the state. The number of potential non-citizens (2,700) identified by the State is very small compared to the total number of voters registered in the State of Florida, and news reports indicate that many of those 2,700 individuals are, in fact, citizens eligible to vote.

6. The Supervisors of Elections were first formally notified of the implementation of a new non-citizen purge on April 2, 2012, through an email entitled "List Maintenance information and webinar" sent to all Florida's 67 supervisors by Dr. Christopher R. Sharp, then Chief of Bureau of Voter Services at the Florida Department of State. On April 4, 2012, Leon

- 3 -

County received our CD from the State containing the names of 8 potential ineligible voters. On April 12, 2012, the webinar was conducted by the Department presenting: (1) a PowerPoint webinar presentation entitled "Processing Ineligible Registered Voters- Non-Immigrants"; (2) a sample letter to send to voters; and (3) a voter eligibility form. On April 23, 2012, I received an email from Eddie Phillips, acting on behalf of Dr. Gisela Salas, Director of the Florida Division of Elections, notifying the Supervisors the Webinar and sample materials were now on the Division's website. A copy of the April 23 email and documents linked to the email are attached as Exhibits A1-A4 to this declaration.

7. The Secretary of State's April 12, 2012 webinar instructed each Supervisor of Elections to take the following steps after receiving the State-generated list of potential non-citizens who are current registered voters:

Follow steps in section 98.075(6) and (7), F.S., as you would for any other potentially ineligible voter: (1) **Review file information . . .** (2) **Conduct any additional research** [Refer to whatever other sources you have to confirm identity and potential change in legal status. You should all have access to DHSMV's DAVE. If you find information credible and reliable, proceed.] (3) **Initiate notice (within 7 days). . . . Allow voter 30 days to respond** (if you receive verification that mail delivered). . . . Determine eligibility of person based on information you have . . . If ineligible, remove voter's name from rolls.

Exhibit A2 at 8-18 (emphasis in original).

8. As noted above, the Secretary of State's April 23, 2012 email to the Supervisors also contained links to two sample documents. The first document is a model letter for Supervisors to send to the voters identified on the State-generated list. The notice provides, in relevant part, that "[i]f you fail to respond within thirty (30) days, we may determine that you are ineligible and remove your name from the voter registration rolls. You will then no longer be eligible to vote." Exhibit A3 at 1. The second sample document, entitled "Voter Eligibility Form," is the model form the State provided to Supervisors to send to those individuals identified

- 4 -

as potential non-citizens for purposes of confirming their eligibility (i.e., citizenship). The form states, "You have been identified as potentially ineligible to be registered to vote . . . If you do not respond with thirty (30) days after receiving this notice, the supervisor of elections may determine that you are ineligible to be registered to vote and remove your name from the voter registration system." Exhibit A4 at 1. The form also instructs the registered voter to check one of several boxes offered; if a voter is eligible, the voter is instructed to check the box affirming, under penalty of perjury "that the information that I am ineligible is **inaccurate**" and that the voter is either requesting a hearing or is not requesting a hearing but is attaching certain documents. Exhibit A4 at 1 (emphasis in original). Finally, the form states that "[i]t is a criminal offense to knowingly make a false statement in writing with the intent to mislead a public official in the performance of his or her official duty." *Id.*

9. During the week of May 13 to May 17, the FSASE held its 2012 summer conference, which I attended. A copy of the conference materials I received from that conference is attached as Exhibit A5. On May 16, 2012 (the third day of the conference), the State had a presentation on the voter purge procedures, which the Division of Elections material refers to as the "Non US Citizen Project." Exhibit A6 at slide 10. The meeting started late because the Supervisors of Elections were discussing their serious concerns about the State's proposal, which was the most contentious issue discussed at this conference. The Director of the Division of Elections, Dr. Gisela Salas, and Maria Matthews, an attorney from the Department of State's Office of General Counsel, presented information about the FVRS list maintenance program intended to remove purported ineligible non-citizens from the lists of registered voters. The topic was controversial, and provoked a strong reaction among the supervisors in attendance, who described citizens who were outraged that their citizenship had been questioned

- 5 -

because they received a letter as a result of the State's program. Supervisors told the State that they could not do what the State was asking.

10. Based on my 23 years of experience as a Supervisor of Elections, I had never seen the supervisors express as much concern over an issue presented during a FSASE conference. During the May 16 presentation, the supervisors confronted the speakers with many questions and objections. Specifically, the supervisors voiced serious concerns that the State-generated lists of alleged ineligible voters contained too many "false positives." When asked how this problem would be corrected, Dr. Salas responded that the Supervisors would have the burden of verifying the accuracy of the information contained on the lists. Dr. Salas and Ms. Matthews suggested that there may be other, more accurate methods of database matching voter records in FVRS for purposes of identifying possible non-citizens, including the use of a federal database; they further suggested that the Supervisors should use this federal database to verify the eligibility of the voters in question. Supervisors spoke out against this proposal, however. They questioned why the Division was tasking them with this additional burden, which included costs not budgeted for by the supervisors. Some supervisors told the State officials that they could not achieve what the State was demanding. As a result of this interaction, on Thursday, May 17, 2012, Dr. Salas announced that the State would bear the burden of conducting further verification regarding the accuracy of the information in the State-generated list. Even so, the State has not addressed whether any additional database matching by the State (using a federal database or otherwise) will produce a more accurate list, nor has the State provided additional funding to cover the administrative costs of mailing additional letters to voters who are on the State's list.

- 6 -

11. On April 4, 2012, I received a list of potentially ineligible voters from the Florida State Division of Elections. The list contained the names of eight voters who had been identified as a result of the State's database matching described in paragraph 5 above. Based on my understanding of the processes the State used to generate the State's list of registered voters to be removed (based on alleged non-citizenship) and the information as described elsewhere in this declaration, I concluded that the Secretary of State did not use the most accurate means of generating the lists sent to the supervisors. I therefore decided against sending any type of notice to the registered voters identified on the State's list. Rather, I worked with my staff to find the original registration paperwork for each current voter identified on the list. As a result of this process, I encountered two voter registration forms in which the individuals had checked the box "not citizen." After further research, a notice of denial was sent to these individuals advising them of their removal from our voter rolls and urging them to contact us if they desired more information on this matter. My office has not contacted any of the other individuals the Secretary of State identified as potential non-citizens.

12. I will not remove any other voters from the list based on this matching process because I believe it requires individual counties to violate the National Voter Registration Act ("NVRA"). I view the procedure as a systematic purge that violates the law because it is being conducted less than 90 days before a federal election and because the systematic purge is based on inherently unreliable data that is not independently verifiable. The next elections for federal office are the August 14, 2012 primary election and the November 6, 2012 general election.

13. The State's proposed procedure also places an undue burden on the counties at a time so close to the elections, when the Supervisors should be primarily focused on preparing for the upcoming federal primary and general elections. To the extent the Division of Elections

- 7 -

webinars place the burden with the Supervisors of Elections to independently verify information on a list that the State knows or should know is unreliable, this process is costly in terms of the administrative time and money needed to conduct it—for example, to generate, send, and process letters, and to conduct any additional follow-up procedures.

14. The State's purge procedures provide that the supervisors send a notice letter to voters who appeared on the State's list. This letter informs the voters that must return a voter eligibility form within 30 days, and notes that if the voter fails to respond within 30 days, the supervisor may determine that the voter is ineligible and remove the voter from the voter registration rolls. *See, e.g.*, Exhibit A3. This proposal is problematic for multiple reasons. First, the list of potential non-citizens generated by the State includes hundreds of eligible citizens, based on news reports from other counties who sent out these letters. Second, many citizens will take great offense at having their citizenship questioned, or may feel intimidated if they are a newly naturalized citizen who is being questioned about whether they can vote. Voters may not open their mail, may be away from the county during the 30 day period, or otherwise may not respond to this letter, and the burden should not be placed on registered voters to prove that they are citizens, particularly in light of the very high error rate with the State's list. If counties adopt the State's proposed procedures, and remove voters from the rolls for failing to respond to these notice letters, eligible citizens who are registered to vote will find themselves unable to vote on Election Day, even though they were eligible to vote and should not have been removed from the list in the first place.

15. Based on my experience as a supervisor of elections for 23 years, this controversy is similar to the controversy in the 2000 presidential election, when the State attempted to

- 8 -

remove potential convicted felons from the rolls, resulting in citizens who were not convicted felons losing the right to vote in the November 2000 election.

16. The previous Florida Secretary of State, Kurt Browning, retired in February 2012. I am aware of an interview Mr. Browning conducted in which he said that the Governor ordered the Secretary of State's office to conduct this data-matching program, over Mr. Browning's objections.

17. As discussed earlier, I am a member of the board of the FSASE. On June 1, 2012, counsel for the FSASE, Ron Labasky, sent a legal update to supervisors of elections recommending that "Supervisors of Elections cease any further action until the issues [that] were raised by the Department of Justice are resolved between the parties or by a Court." Exhibit A7. I concur with that recommendation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
This the 13 day of June, 2012.

  
Ion V. Sancho



**Exhibit A1**

**From:** Phillips, Eddie L.  
**To:** Phillips, Eddie L.  
**Subject:** List Maintenance of Potential Non-Citizen Matches  
**Date:** Monday, April 23, 2012 5:17:52 PM  
**Attachments:** [vivaf45.png](#)

---

Good afternoon Supervisors!

The SOE website has been updated with a revised PowerPoint presentation for List Maintenance of Potential Non-Citizen Matches.

[Link to Webinar PowerPoint](#)

Also, a sample word document and form is provided for your convenience. As discussed in the PowerPoint, you may attach a copy of the DAVE screenshot associated with the file.

[Link to sample word document](#)

[Link to sample form](#)

**Dr. Gisela Salas, Director**

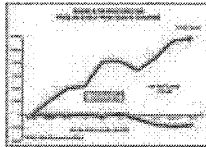
Florida Division of Elections

[Gisela.Salas@dos.myflorida.com](mailto:Gisela.Salas@dos.myflorida.com)

(850) 245-6268

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**Exhibit A2**



# Florida Department of State

Processing  
Ineligible  
Registered  
Voters-  
Non-Immigrants

Presented by:  
Dr. Christopher Sharp, Chief  
Bureau of Voter Registration  
Services  
April 2012



Ken Detzner  
Secretary of State

Dr. Gisela Salas, Director  
Division of  
Elections



# Initial Identification of Non-U.S. Citizens

- FVRS voter registration records matched against DHSMV's DAVE records
- 1256 registered voters identified in this batch as 'non-immigrants' in DAVE and therefore potentially ineligible.
- ✓ *Non-immigrant:* Someone who is legally authorized to be in the U.S. for a limited period of time and for specific activity or purpose.
- ✓ *Non-immigrant:* Subject to annual renewal of driver's license or state ID card every year.

# Examples of Non-immigrants

- ✓ Temporary visitor for business or pleasure
- ✓ Diplomat or other foreign government official
- ✓ Students: academic, vocational
- ✓ Researcher
- ✓ Person in special or highly skilled occupation
- ✓ Temporary agricultural or seasonal worker
- ✓ Exchange Visitor
- ✓ Religious worker
- ✓ Entertainer
- ✓ Media, journalist
- ✓ Au pair
- ✓ Victim of human trafficking or other criminal activity
- ✓ A person seeking safe haven from dire homeland situations like civil war, natural disaster or other extraordinary conditions

# What BVRS Reviewed

- Review of DHSMV DAVE database-initial screen:
  - ✓ “Not a U.S. Citizen” status
  - ✓ Foreign Country of Birth listed
  - ✓ Supporting ID documents to comply with federal REAL ID Act
    - *REAL ID Act requires persons to provide documentary proof of legal status whenever they apply or renew a driver’s license or state ID card.*
    - *By December 1, 2017, the cycle for all renewals will be completed and every record in DAVE will have supporting documentation of legal status in order for issuance or renewal of driver’s license or state ID card.*
    - *(For persons born after December 1, 1964, proof must be provided by December 1, 2014.)*

# BVRS Review-Cont'd

- Review of REAL ID compliant documentation for legal status of non-U.S. citizens:
  - ✓ Passport (country of origin)
  - ✓ Visa
  - ✓ Birth certificate
  - ✓ "Green card" for legal permanent resident (not a U.S. citizen)
  - ✓ Other government issued document authorizing temporary stay



# BVRS Review-Cont'd

- Cross-check of ICE's public online site regarding non U.S. citizen detainees

<https://locator.ice.gov/odls/homePage.do>

**ICE:** Immigration and Customs Enforcement bureau within the Department of Homeland Security (**DHS**). One of the 3 bureaus besides CIS (Citizenship and Immigration services ) and CBP (Customs and Border Patrol) that serves as successor to INS.

NOTE: A DOS request is currently pending before DHS to access a federal database (such as SAVE--Systematic Alien Verification for Entitlements) and/or other federal databases in order to cross-check whether a non U.S. citizen's legal status has changed since obtaining a driver's license or state ID card.

# Content of List File

CNTY OF RESIDENCE	FVRS VTR REG STAT	FVRS REG DATE	LAST NAME	FIRST NAME	MIDDLE NAME	HSMV_SSN NO	HSMV_LICENSE_ENDER	HSMV_G BIRTH DATE	Verification status	Last DHMV transaction date	Reviewer	
CAL	123456789	ACT	9/18/2008	SMITH	JOHN	A	123456789	Full DL #	M	6/10/1978	verified thru dave, non US citizen; verified through ICE	Me
Notes from examiner that supporting documents were viewed to verify citizenship status, and citizenship status										Last date individual went to DHSMV	Reviewer initials and date	

These are our match

These are our match items before we look for supporting documents. At least three criteria must be exact in FVRS and DAVE

# What to Do (cont'd)

Follow steps in section 98.075(6) and (7), F.S., as you would for any other potentially ineligible voter:

- 1. Review file information** [Note: These files are not compiled electronically in the same way that the Division compiles felon or mental incompetency files. There are no attached scanned images or documents in these files.]
- 2. Conduct any additional research** [Refer to whatever other sources you have to confirm identity and potential change in legal status. You should all have access to DHSMV's DAVE. If you find information credible and reliable, proceed.]

# What to Do (cont'd)

3. **Initiate notice (within 7 days).** Send notice by certified mail, return receipt requested or by some other means of verified delivery). Notice must include:

- ✓ A statement of **basis for ineligibility**
- ✓ A copy of any **supporting documentation**
  - *Print out the latest screen shot from the DHSMV DAVE containing legal status. This is what DHSMV has last recorded.*
  - *Redact confidential/personal identifying information such as DL, state ID #, SSN, and signature.*
- ✓ A statement that **failure to respond** within 30 days may result in removal from rolls
- ✓ A **return form** that requires voter to admit or deny accuracy of information
- ✓ A statement that a person denying ineligibility has a **right to a hearing**
- ✓ Contact information for Supervisor of Elections
- ✓ Instructions for seeking restoration of civil rights (Not applicable in these cases)

DAVE Screen Shot (redacted)



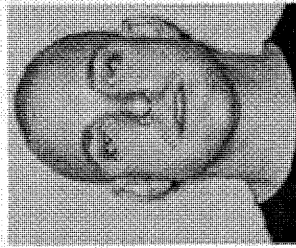
MAN Driver And Vehicle Express (MDAVE)

DIGITAL IMAGES ARE RESTRICTED TO LAW ENFORCEMENT USE PURSUANT TO  
S. 322.142(4) FLORIDA STATUTES - IMAGES INCLUDE PHOTOGRAPHS AND SIGNATURES

Individual Summary Page

New Search

DL/ID Number	Class	Status	Historical Driver License Activity
[REDACTED]	E	VALID	
[REDACTED]			
[REDACTED]			
Date of Birth	Sex	Height	Country of Birth
[REDACTED]	M	6'02	CANADA
Restrictions		Endorsements	
A			
Issue Date	Duplicate Date	Expiration Date	
03.09.11		03.09.12	
SSN	Funer Number		
[REDACTED]	[REDACTED]		



Conditional Messages:

NOT A CITIZEN SAFE DRIVER



# Sample Notice

Suggested

Sample  
Notice to  
Send  
Potentially  
Ineligible  
Non-U.S.  
Citizen

(Date)

(Voter's name and address)  
(Voter Reg. No.)

Dear Mr./Mrs. XXXXXXXX:

The \_\_\_\_\_ County Supervisor of Elections has received information from the Florida Division of Elections that calls into question your eligibility to be registered to vote. The information originated from the Florida Department of Highway Safety and Motor Vehicles (see attached) which lists you as not being a U.S. citizen. In Florida, only U.S. Citizens can register and vote. See s. 97.041, *Fla. Stat.* (2011).

Please complete and return the enclosed 'voter eligibility form' to the Supervisor of Elections' office within thirty (30) days of receipt.

If you believe we have made a mistake about your identity or citizenship status, or you have acquired citizenship since your last interaction with DHSMV, please include with the 'voter eligibility form' a copy of any document that either shows that you are not the person identified in this letter or that you are a U.S. citizen. The following documents are examples of proof of U.S. citizenship: U.S. Birth Certificate, Passport, U.S. Consular Certificate of Birth, or U.S. Certificate of Naturalization. If your name has changed or you use another name different from that on the document, please include a copy of the document showing that name change. You also have the right to request a hearing if you deny that the ineligibility information is accurate.

You may mail, fax or e-mail the voter eligibility form and supporting documentation or you can come in person with that form and any supporting document to the Supervisor of Elections' office. **If you fail to respond within thirty (30) days, we may determine that you are ineligible and remove your name from the voter registration rolls. You will then no longer be eligible to vote.**

You may reach our offices as follows: [insert contact information including phone number, physical street address, mailing address, fax number and e-mail address.]

Sincerely,

\_\_\_\_\_  
Supervisor of Elections

Enclosures: Voter Eligibility Form with Self-addressed Return Envelope  
DAVE Screen shot

# What to Do (cont'd)

- 4. Allow voter 30 days to respond** (if you receive verification that mail delivered)
- 5. Publish notice ONLY** if notice undeliverable (Section 98.075(7)(a)2.a.-e, Fla. Stat.)
- 6. Provide hearing ONLY** if person denies ineligibility  
AND person requests hearing

# Sample Return Form



Sample

'Voter

Eligibility

Form' to

Send to

Voter

## VOTER ELIGIBILITY FORM

1. You have been identified as potentially ineligible to be registered to vote.
2. If you do not respond within thirty (30) days after receiving this notice, the supervisor of elections may determine that you are ineligible to be registered to vote and remove your name from the voter registration system.

PLEASE PRINT

Voter's Name		Last Name	First	Middle
Date of Birth (MMDDYY)				
Gender (please circle)	Male	Female		
Personal Identifying Number: (Provide only one of these card numbers)				
Driver's License No or Florida ID Card No.			Last 4 Social Security No.	
Residential Address				
Phone Number		Home:	Work:	

Please check the box that applies to you sign and date form:

☐ Under penalties of perjury, I swear or affirm that the information that I am ineligible is **inaccurate** AND:

OR  
I request a hearing. (Please bring whatever documents you have in support of your eligibility).

I do not request a hearing. Please see attached document in support of my eligibility. DO NOT MAIL ORIGINAL.

☐ Under penalties of perjury, I swear or affirm that the information that I am ineligible is **accurate**.

SIGNATURE OF VOTER:

DATE:

(It is a criminal offense to knowingly make a false statement in writing with the intent to mislead a public official in the performance of his or her official duty, s. 837.06, Fla. Stat.)

Return form to: (insert contact information: fax, e-mail, mailing and physical addresses)



# What to Do (cont'd)

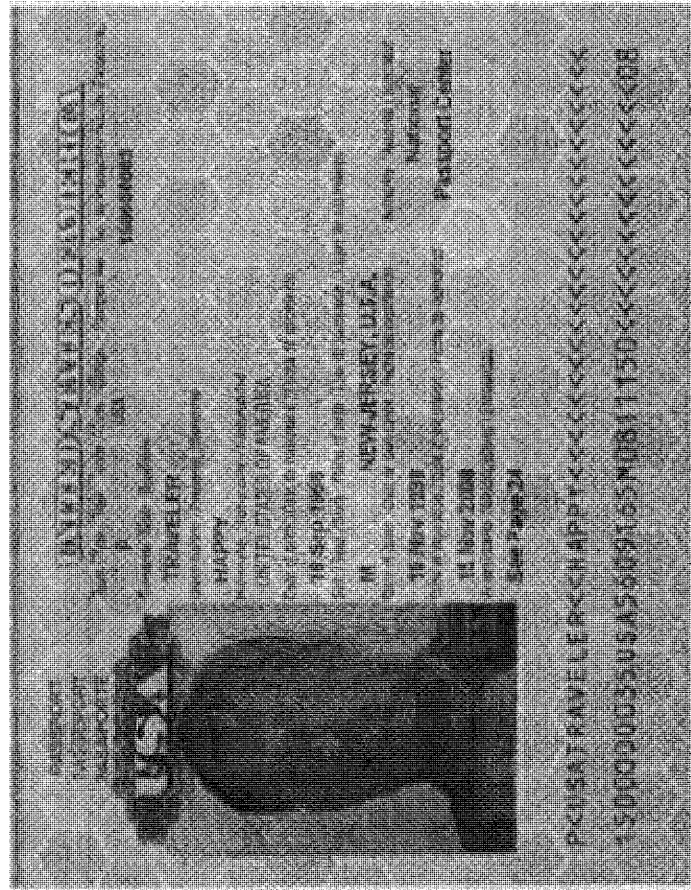
## 7. Review proof of U.S. citizenship if provided

- ✓ U.S. Passport Booklet or Card
- ✓ U.S. Birth Certificate
- ✓ U.S. Certificate of Consulate Birth
- ✓ U.S. Certificate of Citizenship
- ✓ U.S. Certificate of Naturalization

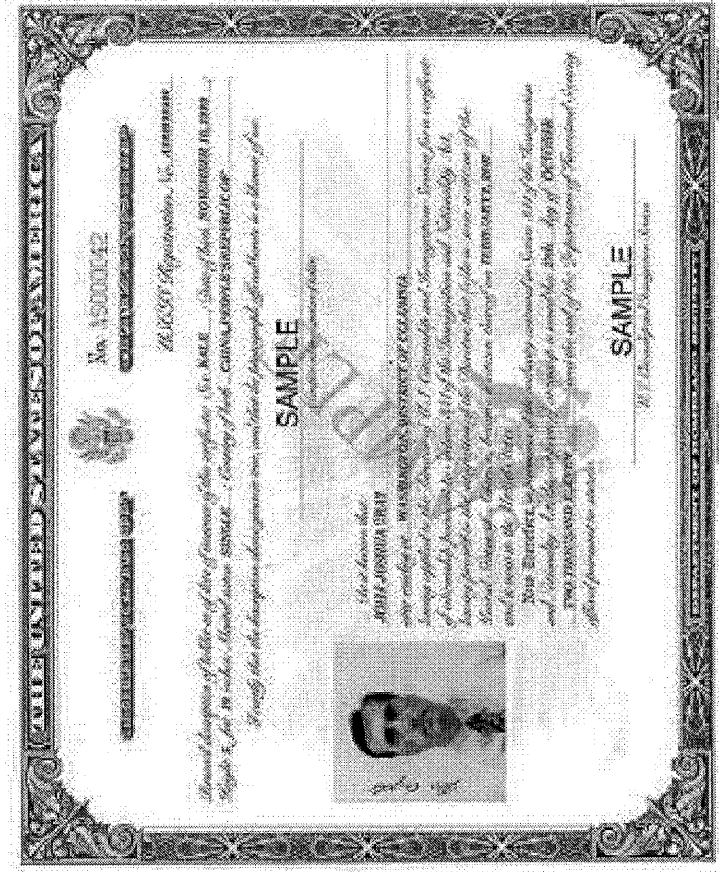
- *If there is a difference in name, the voter should provide the documentation supporting the name change, the voter will have to provide court order or marriage license showing authorized name change.*
- *Remember: 1. If a person has dual citizenship with the U.S. and another country, he or she is still eligible to register and vote as a U.S. citizen. 2. Persons born in certain U.S. territories (e.g., Puerto Rico, island of Guam, Panama Canal, Virgin Islands, etc.), he or she may be a U.S. citizen. Contact USCIS for confirmation*

# Sample Citizenship Documents

## U.S. PASSPORT



## CERTIFICATE OF CITIZENSHIP





# CONSULAR REPORT OF BIRTH ABROAD

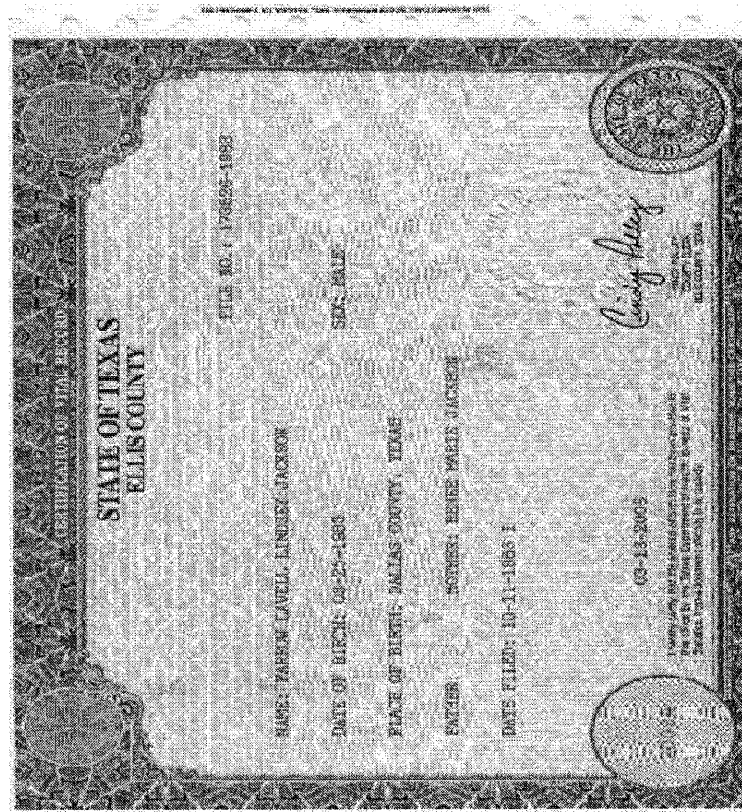
UNITED STATES OF AMERICA  
DEPARTMENT OF HEALTH  
REPUBLIC OF ITALY

Consular Report of Birth Abroad  
OF A CHILD OF THE UNITED STATES OF AMERICA

The undersigned  
JOHN THOMAS MURPHY, Consul General  
for the United States of America, hereby  
DO hereby certify that  
On JULY 12, 1961  
Presented to the Consular Officers of the United States at  
Cagliari, Sardinia, Italy, for registration  
an illegitimate son of  
MURPHY, THOMAS MURPHY, born  
THOMAS MURPHY MURPHY, (Sardinia)  
Date of Birth JULY 12, 1961  
Place of Birth CAGLIARI, SARDINIA, ITALY  
Signed at Cagliari, Sardinia, Italy, on JULY 12, 1961  
John L. Murphy, Consul General  
Consul General, United States of America, Cagliari, Sardinia, Italy



# U.S. BIRTH CERTIFICATE SAMPLE - TEXAS



# What to Do

8. **Determine eligibility** of person based on information you have
9. **If ineligible, remove voter's name** from rolls
10. **Record the 'removal reason code'** as "K" for not U.S. citizen
11. **Send notice** to the voter regarding removal
12. **Retain record permanently** as they are part of the voter registration records. See item #158, GS-3 <http://dlis.dos.state.fl.us/barm/genschedules/GS3.pdf>

# Pointers

- It is strongly encouraged but not required (for continuing registration purposes) that a registered voter who is determined to be a U.S. citizen to contact DHSMV to correct or update his or her legal status on record.

1) Refer person to DHSMV's website

[www.GatherGoGet.com](http://www.GatherGoGet.com) for documentation instructions

[www.flhsmv.gov](http://www.flhsmv.gov) to locate driver license or tax collector offices

2) Provide DHSMV's "in-person" contact: 850-617-2000



# Pointers

- If you determine that a registered voter initially identified as not a U.S. citizen has subsequently become a U.S. citizen, this person shall be deemed eligible for purposes of continuing registration and should not be removed from the rolls.
- HOWEVER, the matter should be referred to the State Attorney. See Section 104.011 (false swearing of an application) and Section 104.42, F.S. ('duty to report fraudulent registration and illegal voting').

# Required Feedback:

- If you determine that a registered voter is eligible for whatever reason (e.g., mismatch—misidentification, obtained U.S. citizenship, administrative error, etc.) then the voter's shall not be removed from the rolls.
  1. NOTIFY immediately the chief of the Bureau of Voter Registration Services
  2. PROVIDE the registered voter's name and FVRS No.
- This will help to ensure the integrity and improve the process.



THE END

- QUESTIONS
- SUGGESTIONS
- COMMENTS

For further information or questions, contact:

Dr. Christopher Sharp,  
Chief, Bureau of Voter Registration Services  
Florida Department of State  
850-245-6205

**Exhibit A3**

(Date)

(Voter's name and address)

(Voter Reg. No.)

Dear Mr./Mrs. XXXXXXXX:

The \_\_\_\_\_ County Supervisor of Elections has received information from the Florida Division of Elections that calls into question your eligibility to be registered to vote. The information originated from the Florida Department of Highway Safety and Motor Vehicles (see attached) which lists you as not being a U.S. citizen. In Florida, only U.S. Citizens can register and vote. See s. 97.041, *Fla. Stat.* (2011).

Please complete and return the enclosed 'voter eligibility form' to the Supervisor of Elections' office within thirty (30) days of receipt.

If you believe we have made a mistake about your identity or citizenship status, or you have acquired citizenship since your last interaction with DHSMV, please include with the 'voter eligibility form' a **copy** of any document that either shows that you are not the person identified in this letter or that you are a U.S. citizen. The following documents are examples of proof of U.S. citizenship: U.S. Birth Certificate, Passport, U.S. Consular Certificate of Birth, or U.S. Certificate of Naturalization. If your name has changed or you use another name different from that on the document, please include a copy of the document showing that name change. You also have the right to request a hearing if you deny that the ineligibility information is accurate.

You may mail, fax or e-mail the voter eligibility form and supporting documentation or you can come in person with that form and any supporting document to the Supervisor of Elections' office. **If you fail to respond within thirty (30) days, we may determine that you are ineligible and remove your name from the voter registration rolls. You will then no longer be eligible to vote.**

You may reach our offices as follows: [insert contact information including phone number, physical street address, mailing address, fax number and e-mail address.]

Sincerely,

---

Supervisor of Elections

Enclosures: Voter Eligibility Form with Self-addressed Return Envelope  
DAVE Screen shot

**Exhibit A4**

## VOTER ELIGIBILITY FORM

1. You have been identified as potentially ineligible to be registered to vote.
2. If you do not respond within thirty (30) days after receiving this notice, the supervisor of elections may determine that you are ineligible to be registered to vote and remove your name from the voter registration system.

PLEASE PRINT

<b>Voter's Name</b>			
	<b>Last Name</b>	<b>First</b>	<b>Middle</b>
<b>Date of Birth</b> (MMDDYY)			
<b>Gender</b> (please circle)	<b>Male</b>	<b>Female</b>	
<b>Personal Identifying Number</b> (Provide only one of these card numbers)			
Driver's License No or Florida ID Card No.		Last 4 Social Security No.	
<b>Residential Address</b>			
<b>Phone Number</b>			
Home:		Work:	

**Please check the box that applies to you sign and date form:**

- ☐ Under penalties of perjury, I swear or affirm that the information that I am ineligible is **inaccurate** AND:  
     \_\_\_\_\_ I request a hearing. (Please bring whatever documents you have in support of your eligibility),  
     OR  
     \_\_\_\_\_ I do not request a hearing. Please see attached document in support of my eligibility. DO NOT MAIL ORIGINAL.
- ☐ Under penalties of perjury, I swear or affirm that the information that I am ineligible is **accurate**.

**SIGNATURE OF VOTER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

(It is a criminal offense to knowingly make a false statement in writing with the intent to mislead a public official in the performance of his or her official duty. s. 837.06, Fla. Stat.)

**Return form to:** [insert contact information: fax, e-mail, mailing and physical addresses]

## **Exhibit 2**





May 31, 2012

**Elections**

2700 NW 87th Avenue  
Miami, Florida 33172  
T 305-499-VOTE F 305-499-8547  
TTY: 305-499-8480

miamidade.gov

Dr. Gisela Salas, Director  
Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Dr. Salas:

As Supervisor of Elections (SOE) for Miami-Dade County, I am honored to have the opportunity to serve my community in such an important election year; and I do not take lightly my duty to protect the right to vote and preserve the integrity of the electoral process for all eligible voters in our county. That being said, on April 30, 2012, I received the final of three lists to date comprising 1,637 potential non-citizens from the State of Florida's (the State) Non-U.S. Citizen Project for voter notification and possible removal.

In accordance with F.S. 98.075 (7)(b) 1, my duty is to remove voters from the statewide voter registration system only after determining ineligibility based on a preponderance of the evidence before me. As you know, for a voter to be registered to vote in Florida they must sign an oath in a voter registration application solemnly swearing that the voter is a citizen of the United States. Providing false information to register to vote is a third degree felony. It is thus my duty to weigh that oath, along with any proof of citizenship provided by the registered voter, against any information provided to me that a registered voter is not a United States citizen.

After fulfilling my obligations under section 98.075 (7) to notify the registered voters on the State's Non-Citizens Match List and reviewing the responses from those voters, I find the State's Non-Citizens Match List to be unreliable and insufficient, on its own, to meet the preponderance of the evidence standard required to find that a registered voter is not a United States citizen. Therefore, as per our previous discussions, this letter serves to advise you of my inability to find many of the voters on this list ineligible. I have chosen to exercise my discretion under the law and will take no removal action under the State's Non-U.S. Citizen Project, other than those whose ineligibility has been demonstrated by a preponderance of the evidence, until such time as the State has conducted a comprehensive vetting process of Non-Citizens Match Lists against current, credible and reliable data sources.

This decision is based, in part, on the following:

- The Division of Elections, by its own admission, has established the unreliability of the source data for its Non-U.S. Citizenship Project, in that it is only as good as the last time the voter made contact with the Department of Highway Safety and Motor Vehicles (DHSMV). Division workshop documents indicate that "...Full cycle of existing licenses for renewals should be done by December 1, 2017, *For persons born after December 1, 1964, proof must be provided by December 1, 2014.*"
- The State did not provide supporting documentation upon which it based its initial potential ineligible determination. Section 98.075 clearly states "...The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the

*Delivering Excellence Every Day*

COUNTY



department shall notify the supervisor *and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered.*"

- The Division did not conduct a thorough vetting and or verification of voter matches within the statewide voter registration database (FVRS) or between FVRS and its data match source Department of Highway Safety and Motor Vehicles (DHSMV).

Upon receipt of the State's Non-Citizen Match Lists containing a combined total of 1,637 voters, we conducted an initial review of the lists. That review revealed:

- 32 Duplicates
- 25 Citizens (identified through DHSMV database DAVE)
- 3 Deceased voters (previously removed and indentified through FVRS)
- 5 Registered voters in other Florida counties (identified through FVRS)

In accordance with our obligations under the law, our office sent the remaining 1,570 registered voters the required notification letters. From those notifications, this office received the following responses to date:

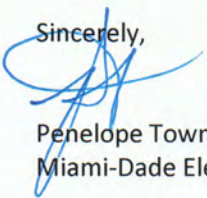
- 446 Voters provided proof of citizenship
- 32 Voters advised they are citizens (pending documentation)

Based on the data stated above, the Non-U.S. Citizen Match Lists provided to Miami-Dade County have a known error rate between 31 to 33 percent and an actual error rate that may be potentially higher. Therefore, I cannot find by a preponderance of the evidence before me that the remaining voters who have not yet responded are ineligible, thereby potentially disenfranchising eligible voters based on an inaccurate list. While the importance of maintaining the accuracy of the voter rolls cannot be overstated, I have also taken an oath to protect the integrity of the electoral process.

I understand a second level of review and citizenship verification against the Department of Homeland Security Systematic Alien Verification for Entitlements Database (SAVE) may be underway. As such, attached are the names of those Miami-Dade voters for whom I have yet to receive either reliable or credible information from the Division of Elections and/or a response from the voter as a result of my notification. I respectfully request you cross check these names against this database, through your DHSMV contact, or any other updated data source you may find more viable than the one previously used. After such time, and only with a "preponderance of the evidence," will I take removal action.

I hope you can understand and appreciate my position. Should you have any questions or concerns, please feel free to contact me at 305-499-8509.

Sincerely,



Penelope Townsley, Supervisor of Elections  
Miami-Dade Elections Department

c: Maria Matthews, Florida Department of State, Division of Elections

Attachment